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Rules of procedure for United Nations congresses on crime prevention and criminal justice

Note by the Secretariat

The rules of procedure for United Nations congresses on crime prevention and criminal justice were adopted at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 August 2010. In accordance with rule 63 of the rules of procedure, after the completion of each congress, the Commission on Crime Prevention and Criminal Justice shall make appropriate recommendations to the Economic and Social Council for such amendments to the rules of procedure as it may deem necessary. Pursuant to rule 63, the rules of procedure as adopted (A/CONF.213/2) will be made available to the Commission at its twenty-third session.

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World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

Report of the Secretary-General on improving the quality and availability of statistics on crime and criminal justice for policy development

Summary

Pursuant to Economic and Social Council resolutions 2012/18 and 2013/37, the present report outlines activities undertaken to improve crime statistics. Such activities are part of a broader plan to improve statistics on crime and criminal justice, as described in the report of the National Institute of Statistics and Geography of Mexico (INEGI) and the United Nations Office on Drugs and Crime (UNODC) on a road map to improve the quality and availability of crime statistics at the national and international levels, for which both the Statistical Commission, and the Commission on Crime Prevention and Criminal Justice, have expressed support. One challenge identified by the road map is the lack of a common set of definitions and concepts to describe criminal offences, and the building of an international classification of crime for statistical purposes addresses that limitation. Work is under way to test the classification and it will be presented to the Statistical Commission and the Commission on Crime Prevention and Criminal Justice in 2015.

Other methodological progress has been made in the development of crime victimization surveys. UNODC and the UNODC-INEGI Centre of Excellence for Statistical Information on Governance, Public Security, Victimization and Justice are leading a regional initiative to develop a common toolkit to implement such surveys in Latin America and the Caribbean. In the Americas and elsewhere, work has been done on other surveys. Regional initiatives and partnerships have been implemented in 2012 and 2013 to support countries in the production of crime statistics. The

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UNODC-INEGI Centre of Excellence is serving as a focal point in a number of those activities.

Globally, UNODC is the hub for statistics on crime and criminal justice, and it manages data collection through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. In order to streamline international data collection, UNODC has partnered with regional organizations to facilitate data reporting to the Survey. Despite those efforts, gaps remain in the comparability and completeness of data. In line with its mandate to produce data and analysis on crime trends, in 2014 UNODC will publish the *Global Study on Homicide 2013*.

I. Introduction

1. The present report provides the most recent information available to the Secretary-General on the implementation of Economic and Social Council resolutions 2012/18 and 2013/37.

2. Pursuant to Council resolution 2012/18, the report of the National Institute of Statistics and Geography of Mexico (INEGI) and the United Nations Office on Drugs and Crime (UNODC) on a road map to improve the quality and availability of crime statistics at the national and international levels (E/CN.3/2013/11) was presented to the Statistical Commission at its forty-fourth session, held in March 2013, and to the Commission on Crime Prevention and Criminal Justice at its twenty-second session. Both Commissions welcomed the road map and expressed support for the activities described therein.

3. The road map outlines the major challenges for improving the quality and availability of crime statistics and identifies a number of activities to address them. Three major components for furthering the improvement of crime and criminal justice statistics are identified therein: developing new standards and methodology on crime statistics, improving the capacity to produce and disseminate crime data, and improving international data collection and analysis.

II. Development of new standards and methodology to improve crime statistics

4. One of the factors limiting the quality and comparability of crime statistics across countries is the lack of a common set of definitions and concepts to describe criminal offences in a uniform manner across countries and regions. The building of an international classification of crime for statistical purposes, as requested by the Statistical Commission and the Commission on Crime Prevention and Criminal Justice, addresses that limitation, and, once finalized, it will create a comprehensive definitional framework of criminal offences that will improve the standardization and comparability of data on crime. The classification is scheduled to be presented to the Statistical Commission and the Commission on Crime Prevention and Criminal Justice for endorsement in 2015.

5. The work undertaken to develop the international classification of crime for statistical purposes builds on the document "Principles and framework for an international classification of crimes for statistical purposes", endorsed by the Conference of European Statisticians at its sixtieth plenary session, in June 2012 (see ECE/CES/83). The document was discussed and reviewed by a group of experts convened by the United Nations Statistics Division and UNODC in Vienna in February 2013. A global consultation and testing of the draft international classification of crime for statistical purposes started in September 2013; all Member States were invited to participate in the testing. Fifty countries expressed their interest in participating in the testing in February and March 2014, and a meeting with the national experts who are undertaking the testing is planned for May 2014 to review the testing results and finalize the classification to be submitted to the Statistical Commission and the Commission on Crime Prevention and Criminal Justice for endorsement. The experts at that meeting will determine the

requirements for developing a manual to assist countries in the gradual implementation of the international classification of crime for statistical purposes in order to produce internationally comparable statistics on crime.

6. The objective of the international classification of crime for statistical purposes is to produce crime statistics; as such, it will be an event-based classification system in which crimes will be described in terms of actions rather than legal provisions. It will not require the modification of national legal provisions, but, through the description of crime events, it will provide a common vocabulary of criminal offences for the purpose of producing internationally comparable statistics. A factual description of each item will be provided, with an explanation about what acts (which may relate to different crime offences in different countries) are included in, or excluded from, such a categorization. The classification is organized hierarchically, with a number of levels.

Figure 1
First-level categories of the international classification of crime for statistical purposes

	Categories for level 1
1	Acts leading to death or intended to cause death
2	Acts causing harm or intended to cause harm to a person
3	Injurious acts of a sexual nature
4	Acts against property involving violence against a person
5	Acts against property only
6	Acts involving controlled psychoactive substances or other drugs
7	Acts involving fraud, deception or corruption
8	Acts against public order or authority
9	Acts against public security and State security
10	Acts against the natural environment
11	Other criminal acts not elsewhere classified

7. Another area where methodological development is needed is the conduct of crime victimization surveys. Building on the UNODC-Economic Commission for Europe *Manual on Victimization Surveys* (2010), UNODC and the UNODC-INEGI Centre of Excellence for Statistical Information on Governance, Public Security, Victimization and Justice are leading a regional initiative to create a common methodological toolkit to implement crime victimization surveys in Latin America and the Caribbean. That initiative is being jointly conducted with the United Nations Development Programme Regional Centre for Latin America and the Caribbean, the Inter-American Development Bank, the Organization of American States (OAS), the Central American Integration System and the Cisalva Institute, Colombia. To that end, a regional seminar was held in Mexico City in October 2013 and a task force of national representatives from countries and international organizations has been formed to provide high-quality methodological instruments. The ultimate goal of the initiative is to develop common survey tools that will support countries in the region

in implementing such surveys, thus enhancing the sustainability of victimization surveys and the international comparability of survey data.

8. In addition to the international classification of crime for statistical purposes and victimization surveys, the road map indicated a number of other statistical areas where there is a need for further development of methodological tools, such as the measurement of crime against businesses, corruption, trafficking in persons and transnational organized crime.

9. National practices are advancing the work of surveys with regard to crime against businesses. For example, INEGI has published a study on methodologies used to measure crime against the private sector. That study reviews theoretical and methodological contributions derived from various experiences at the national and international levels and addresses several facets of crime affecting the private sector in order to develop a clear picture of the phenomenon and pave the way for future research and the development of methodologies to measure it properly. Further, the European Union and a few countries have also undertaken surveys on crime against businesses.[1]

10. Progress has been made in the measurement of corruption through the implementation of surveys focusing on the experience (rather than the perception) of bribery on the part of the general population and private businesses. In particular, in 2013 UNODC supported a number of countries in developing analytical publications on corruption,[2] which also entailed the development of methodological tools such as model survey questionnaires and guidelines for survey interviewers.

11. With regard to trafficking in persons, the basis of the UNODC *Global Report on Trafficking in Persons* is official statistical data submitted by Member States. Further methodological work is needed to increase the amount of available evidence relating to that crime. To that end, UNODC is expanding its data-collection efforts to include qualitative information. For example, methodologies for conducting interviews with key officials and personnel involved in the fight against trafficking in persons will be tested. UNODC hosted a workshop for researchers in December 2013, with the objective of discussing methodology to be used for the analysis of both quantitative and qualitative data.

12. The UNODC-INEGI Centre of Excellence is currently developing a framework for the generation of evidence-based knowledge in order to provide an overall picture of the phenomenon of organized crime in Latin America and the Caribbean through a systematic collection of data on criminal organizations' structure, economic activities, government intervention, facilitating factors and inhibiting factors, and the social contexts in which organized crime emerges. The feasibility of that statistical framework will be tested in 2014.

13. Mainstreaming a gender perspective in both crime and criminal justice statistics remains an important objective when developing methodological

[1] See, for example, *The crime against businesses in Europe: A pilot survey*, available at www.transcrime.it/wp-content/uploads/2013/11/EU-BCS-Final-Report_GallupTranscrime.pdf.

[2] *Corruption in Afghanistan: recent patterns and integrity challenges in the public sector; Corruption and Integrity Challenges in the Public Sector of Iraq*; and business surveys in the western Balkans (a regional report, *Business, Corruption and Crime in the Western Balkans: the impact of bribery and other crime on private enterprise*, as well as seven national-level reports).

standards. Existing methodology can be made more gender-sensitive, for example through the inclusion of questions in victimization and corruption surveys and questionnaires to determine the roles of men and women in relation to certain types of crime, both as victims and as perpetrators. The UNODC data-collection instrument, the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, has included additional data disaggregated by sex and age, providing a better understanding of the gender differences both in crime and in criminal justice responses to crime. With the objective of improving the gender perspective in relation to crime and violence, the United Nations Statistics Division published *Guidelines for Producing Statistics on Violence against Women: Statistical Surveys* in September 2013, in order to assist countries with the assessment of the scope, prevalence and incidence of violence against women. Despite that progress, further methodological work is needed to assist countries in adopting a comprehensive gender perspective when designing and producing statistical data on crime and criminal justice, for example, to enable them to assess the role of gender among victims and perpetrators of crime, as well as in sentencing policies and access to justice.

III. Improving the capacity to produce and disseminate crime data

14. A number of international or regional initiatives were implemented in 2012-2013 to support countries in the production of crime statistics, in the form of training tools, direct technical assistance activities, the development of regional partnerships and the organization of seminars and conferences. The present section reviews activities supported by UNODC and other selected initiatives, on the basis of information available to the Secretariat as at 31 January 2014.

15. In the field of national victimization surveys, the UNODC-INEGI Centre of Excellence produced a training curriculum for senior and mid-level officials of national institutions, including statistical agencies, to support the development and delivery of crime victimization surveys. The curriculum is composed of training materials (including multimedia tools and case studies) and a training manual, which cover the planning and development of victimization surveys, questionnaire design, survey sampling, fieldwork, quality control, and data processing and analysis.

16. Moreover, the Centre of Excellence created a knowledge database on victimization surveys to facilitate access to relevant documentation. Through a single presentation platform,[3] a range of methodological and analytical documentation (questionnaires, methodological notes, analytical reports and statistical data) on national victimization surveys is made available online, thus enhancing its accessibility and dissemination.

17. With regard to technical assistance to improve countries' capacity to produce and disseminate crime data, UNODC continues to provide advisory services and direct support to countries for the completion of the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. Besides the ongoing

[3] www.cdeunodc.inegi.org.mx/.

support to countries in the process of completion, specific advisory services have been provided, for the first time, via teleconference; more comprehensive training activities would require the allocation of additional resources.

18. UNODC also provides direct technical assistance relating to survey methodology and survey implementation. In 2013, such assistance was provided to Afghanistan, Iraq and countries or areas in the western Balkans, which allowed national authorities to successfully conduct corruption surveys and to produce analytical reports. Ongoing support is being provided to Iraq and the Philippines to conduct victimization surveys, which are due to be completed during 2014, while support is being provided to Nigeria for the design and conduct of a national corruption survey in 2014.

19. Several regional partnerships are supporting countries to improve their capacity on crime statistics. The regional dimension is particularly apt for conducting technical assistance activities, facilitating the exchange of expertise and developing best practices. For example, the UNODC-INEGI Centre of Excellence serves as a focal point for strengthening statistical processes and analysis on government, public safety, victimization and justice. It contributes to methodological development and capacity-building relating to statistical information on crime. The Centre of Excellence focuses its efforts on promoting systems and methodologies for crime statistics, developing and implementing surveys of victimization, among both people and businesses, and serving as a bridge between regional and global statistical processes on crime and justice. The Centre of Excellence can serve as a model for similar initiatives in other regions; the Korean Institute of Criminology has expressed its interest in providing technical assistance in the area of crime statistics in the Asian region.

20. The regional system of standardized indicators of peaceful coexistence and citizen security, established in 2008, is a project funded by the Inter-American Development Bank (IADB) and implemented by the Cisalva Institute (Cali, Colombia). It functions as a coordinating system for the sharing of information and good practices on statistical indicators relating to crime and security issues among the participating countries in Latin America and the Caribbean.[4] Through the regional system, countries benefit from technical assistance and training to improve data and information systems, and receive assistance in standardizing definitions, mechanisms and technologies to produce and share information.

21. Other initiatives in the Americas include those promoted by the Statistical Conference of the Americas of the Economic Commission for Latin America and the Caribbean[5] and OAS (e.g. its Observatory on Citizen Security). The number of joint initiatives on crime statistics is an indication of the increasing level of coordination and collaboration between the organizations that are active in that region.

22. In Africa, a promising means for strengthening crime statistics is the Strategy for the Harmonization of Statistics in Africa, a collaborative effort between the Economic Commission for Africa, the African Union Commission and the African

[4] For more information, see http://seguridadyregion.com/.

[5] A working group on statistics on public security and justice has been established, formed by Mexico (coordinating country), Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, Guatemala, Panama and Peru, for which the UNODC-INEGI Centre of Excellence acts as technical secretariat.

Development Bank.[6] Within that Strategy, which covers a wide array of topics and issues relating to the improvement of statistics in the African continent, a specific technical initiative on governance, peace and security statistics has been established, chaired by the Kenya National Board of Statistics. The initiative has the mandate to develop a harmonized set of data-collection instruments and indicators for periodic monitoring across the continent. Efforts are under way to ensure coordination between this regional initiative and the processes active under the road map to improve crime statistics, and UNODC is working to ensure consistency between the Harmonization of Statistics in Africa and international standards.

23. Two regional meetings on victimization surveys were conducted in Mexico City: the first was a training workshop jointly organized by UNODC and the UNODC-INEGI Centre of Excellence in October 2012, attended by representatives of 15 countries; the second was a regional seminar jointly organized by UNODC, IADB, the regional system of standardized indicators of peaceful coexistence and citizen security and the UNODC-INEGI Centre of Excellence, attended by 18 countries.[7] The general outcome of those efforts was the strengthening of substantive knowledge on victimization surveys and the promotion of the development of common survey methods.

24. After the Following International Conference on Statistics on Government, Public Security, Victimization and Justice (22-25 May 2012), INEGI, UNODC and the UNODC-INEGI Centre of Excellence, jointly with IADB and the Organization for Economic Cooperation and Development, are organizing the International Conference on Governance, Crime and Justice Statistics, which will take place in Mexico City from 18 to 21 June 2014. The aim of the Conference is to foster dialogue among all stakeholders involved in the production and use of statistical information on crime and criminal justice, with a view to improving the availability, quality and use of such data for evidence-based policymaking.

IV. Improving international data collections and analyses

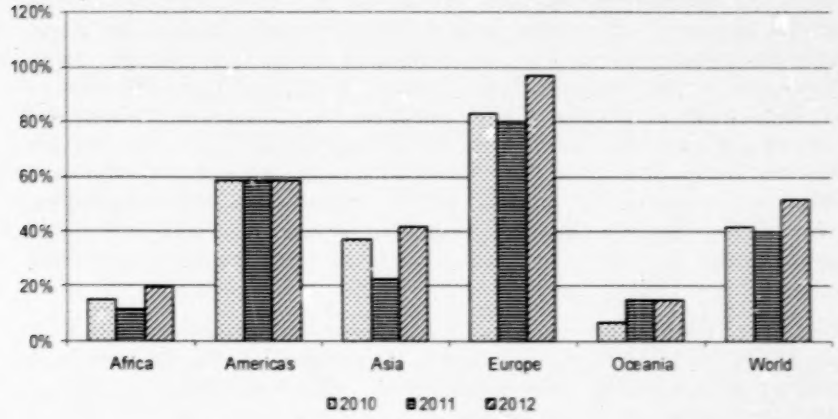
25. UNODC, as the focal point for statistics on crime and criminal justice, manages the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. The Survey questionnaire is sent to Member States on an annual basis, and the response rate has typically been below 50 per cent of countries. There has been an improvement in the response rate in recent years (100 countries responded to the Survey in 2012, a total response rate of slightly over 50 per cent, representing 75 per cent of the global population), but large gaps still exist, especially in Africa, Asia and Oceania.

[6] For more information, see http://auc-statdivision.voila.net/pdfstat/SHaSA_strategy.pdf.

[7] Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Peru, Uruguay and Venezuela (Bolivarian Republic of).

Figure 2

Percentage of countries reporting to the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, by region (2010-2012)



26. Data collection on crime statistics is a complex process that involves various agencies and institutions (police, prosecution, courts, prisons) within Member States. In order to improve not only the response rate but the consistency of data recorded in the Survey, the Economic and Social Council requested Member States to appoint a national focal point to act as coordinator of the different institutions providing data to the Survey, to ensure their quality and completeness. While 110 countries have thus far appointed focal points, gaps remain in the provision of complete and consistent data.

27. In order to further support countries in the coordination of crime-related statistical information, both within States and within regions, several global and regional initiatives have been implemented. For example, UNODC has partnered with OAS since 2010 to facilitate data reporting from the Americas; a similar arrangement is being developed with Eurostat, and in 2014, for the first time, the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems will be jointly managed by Eurostat and UNODC in countries covered by Eurostat data-collection activities. In Europe, forms of collaboration with the European Sourcebook of crime and criminal justice statistics are being actively sought in order to reduce duplication of efforts and improve the quality of data available at the international level.[8]

28. The collection and dissemination of statistical information on intentional homicide has been further strengthened. Besides providing the most up-to-date figures on homicide counts and rates for 219 countries and territories, the UNODC homicide statistics dataset includes additional data, such as on victims

[8] The European Sourcebook is a group of national experts and researchers that has conducted numerous waves of data collection on crime and criminal justice in European countries. For more information, see www3.unil.ch/wpmu/europeansourcebook/.

disaggregated by sex, the percentage of homicides by firearms and homicides in the most populous cities.[9] Further, UNODC and the World Health Organization are strengthening their collaboration to improve the integration of international data sources on intentional homicide.

29. In accordance with the request of the Economic and Social Council for UNODC to continue its mandated activities to regularly collect and disseminate statistics on crime and criminal justice, and to provide analyses and studies on trends and patterns on the basis of information produced by Member States and official publications (resolutions 2012/18 and 2013/37), UNODC will soon publish the *Global Study on Homicide 2013*, which not only updates the *Global Study on Homicide 2011*, but also delves deeper into the understanding of different types of homicide. The *Global Study* also examines homicide and violence in the wake of conflict and presents the roles played by firearms and other mechanisms in homicide. For the first time, the *Study* also includes data and analysis on the criminal justice response to homicide, to bring the understanding of the crime full circle.

30. In 2012 UNODC published the *Global Report on Trafficking in Persons*, as the first edition of the biennial global report mandated by the General Assembly to report on trafficking patterns and flows. Based on official data gathered from 132 countries, it offered an analysis of trafficking patterns and flows at the national, regional and global levels. The next global report on trafficking in persons, to be published at the end of 2014, will include an overview of the profile of victims and offenders around the world. It will shed light on the myriad trafficking flows observed locally and globally, as well as the types of exploitation that characterize those flows. UNODC gathers statistical information on trafficking in persons annually for use in the global reports.

31. In support of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime,[10] and based on the principle of mutual information-sharing, UNODC developed and is supporting the voluntary reporting system for the collection and analysis of information on smuggling of migrants, irregular migration and other related conduct in South-East Asia and Oceania.

V. Monitoring security, justice and rule of law in the context of the post-2015 development agenda

32. Several topics related to security, justice and rule of law have been proposed for inclusion in the post-2015 development agenda. Among those topics are the goals related to good governance and stable and peaceful societies in the new development framework, proposed in the report issued by the High-level Panel of Eminent Persons on the Post-2015 Development Agenda at the request of the Secretary-General.[11]

[9] For more information, see www.unodc.org/unodc/en/data-and-analysis/homicide.html.

[10] For more information, see www.baliprocess.net.

[11] *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development* (New York, 2013).

33. UNODC contributed to the international debate on possible indicators for monitoring security and justice and, in consultation with other international organizations and experts, produced the report entitled *Accounting for Security and Justice in the Post-2015 Development Agenda*.[12] That report discusses definitions and rationales for linking security, justice and development in the post-2015 development framework and explores the statistical feasibility of a range of possible metrics on security and justice.

34. UNODC also contributed to the inter-agency methodological work, led by the United Nations Statistics Division, to identify challenges and good practices in the production of statistics and indicators on justice and security. In particular, UNODC led the inter-agency process[13] of preparing the statistical note for the technical support team issues brief on conflict prevention, post-conflict peacebuilding and the promotion of durable peace, rule of law and governance to support the work of the open working group on sustainable development goals. That note focused on key methodological tools, existing and new indicators and data requirements for measuring peace, rule of law and governance in order to better address development goals. It has been submitted to the Statistical Commission for its consideration and further deliberations.

VI. Conclusions and recommendations

A. Conclusions

35. The road map approved by the Statistical Commission and the Commission on Crime Prevention and Criminal Justice continues to be the reference document for improving crime and criminal justice statistics. Following the adoption of the road map, a number of initiatives described in the present report have continued to push forward the implementation of the road map, but there is still much more to be achieved.

36. As described above, UNODC is leading the implementation of the road map through a number of activities and by strengthening collaboration with international and regional organizations that are active in the field of crime statistics.

37. Substantial progress has been made in the area of statistical standards, through the methodological work on the international classification of crime for statistical purposes, the development of further standards for conducting victimization surveys and the activities to devise new methodological approaches for emerging and complex crimes. To the extent possible, efforts are being made to collect and disseminate information on national good practices and experiences.

38. A number of activities and tools have been implemented to enhance countries' capacities in the field of crime statistics, in some cases thanks to the activities of the

[12] Available at www.unodc org/unodc/en/about-unodc/post-2015-development-agenda.html.

[13] Involving the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Refugees, the Peacebuilding Support Office, the Rule of Law Unit, the United Nations Development Programme, the United Nations Environment Programme, the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women.

UNODC-INEGI Centre of Excellence. However, further work is needed to strengthen technical assistance: the implementation of technical assistance activities would require increased availability of extrabudgetary resources, especially for countries where there is a need for basic statistics on crime to monitor security and violence.

39. Enhanced coordination between regional and international organizations has avoided duplication of efforts and ensured the delivery of uniform technical assistance. Further strengthening of collaboration between international and regional agencies in the field of crime and criminal justice statistics is still needed, however. To that end, the debate on the post-2015 development framework has greatly enhanced communication across international organizations and has also defined some priority statistical areas and indicators for which technical assistance could be provided, such as for data on intentional homicide and for victimization surveys.

40. Regional partnerships have proved to be an effective formula for supporting countries to improve the quality and comparability of crime data. In the Americas, a number of regional and international organizations are collaborating actively, and their efforts can have a greater impact if they further mainstream regional data collection, jointly provide technical assistance, coordinate the support for countries to conduct victimization surveys and produce joint analytical products on crime and security. In Europe, the start of the joint UNODC-Eurostat data collection will be an excellent basis for further harmonization of crime statistics in the region. In Africa, statistics on crime and criminal justice are still very scarce, and the involvement of national statistical offices through the Strategy for the Harmonization of Statistics in Africa initiative is a promising start.

41. The UNODC-INEGI Centre of Excellence is a model that could be replicated to serve other regions in the improvement of crime statistics. Such centres can effectively bridge international and national processes on crime statistics by bringing international standards and expertise to the countries most in need.

42. While UNODC is leading the implementation of the road map, it is clear that such an ambitious plan requires the coordinated contribution of several actors at the national, regional and international levels. Some forms of exchange of information and coordination are needed, and, to that end, the holding of an international conference on crime statistics every two years is an extremely important tool. The regular holding of expert consultations to provide support to the implementation of the road map, with experts from both the statistical and criminal justice fields, could also be an extremely valuable tool. To that end, extrabudgetary resources would be needed.

B. Recommendations

43. The Commission on Crime Prevention and Criminal Justice may wish to consider:

(a) Encouraging Member States to participate actively in the annual data collection conducted by UNODC through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems in order to increase the

international availability of reliable data on crime and criminal justice and to improve analyses of global and regional crime threats and the criminal justice response to them;

(b) Encouraging Member States that have not yet done so to appoint national focal points for the coordination of national responses to the Survey, in order to increase the response rate and to improve the quality and consistency of national data provided through the Survey;

(c) Encouraging UNODC to finalize the draft international classification of crime for statistical purposes to be submitted to the Statistical Commission and the Commission on Crime Prevention and Criminal Justice in 2015, in accordance with the current workplan, and encouraging Member States to participate actively in its testing and finalization. The Commission may also wish to encourage UNODC and other international organizations to foster the development of methodological tools for the measurement of emerging and complex forms of crime;

(d) Encouraging UNODC and other international organizations to coordinate and intensify efforts to deliver technical assistance activities in the field of crime and criminal justice statistics;

(e) Encouraging Member States and other donors to provide extrabudgetary funds to enhance the ability of UNODC to implement the activities envisaged in the road map;

(f) Welcoming the publication of the *Global Study on Homicide 2013*, which provides accurate data and analyses on trends and patterns of intentional homicide and provides the international community with a valuable tool for monitoring that crime at the international, regional and national levels;

(g) Inviting Member States to consider the successful experience of the UNODC-INEGI Centre of Excellence with a view to replicating the experience in other regions.

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Use and application of United Nations standards and norms in crime prevention and criminal justice

Use and application of United Nations standards and norms in crime prevention and criminal justice

Report of the Secretary-General

Summary

The present report describes progress made in 2013 by the United Nations Office on Drugs and Crime in supporting the use and application of the United Nations standards and norms in crime prevention and criminal justice. It outlines the development of new standards and norms and the Office's efforts to collect and analyse data, develop implementation tools and provide technical assistance at the global, regional and country levels. It also describes partnerships the Office has been involved in to promote coherent intervention in crime prevention and criminal justice reform.

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I. Introduction and overview of the work of the United Nations Office on Drugs and Crime in the area of crime prevention and criminal justice

1. Strengthened crime prevention and fair, humane and effective criminal justice systems are prerequisites for fighting transnational organized crime, drug trafficking, corruption and terrorism. During the reporting period, the United Nations Office on Drugs and Crime (UNODC) made significant progress in the development and promotion of the use and application of the United Nations standards and norms in crime prevention and criminal justice,[1] which cover the following areas: (a) persons in custody, non-custodial sanctions, juvenile justice and restorative justice; (b) crime prevention and victim issues; and (c) good governance, the independence of the judiciary and the integrity of criminal justice personnel. The standards and norms are also central to the work of the United Nations in the area of the rule of law and human rights, as they provide detailed guidance on various principles of human rights in the administration of justice.

2. In the current debates regarding the global development agenda beyond 2015, the work of UNODC in preventing crime and violence and supporting criminal justice systems has been highlighted as an essential contribution to development. In its resolution 68/188, the General Assembly underscored that the post-2015 development agenda should be guided by respect for and promotion of the rule of law, and that crime prevention and criminal justice have an important role in that regard. The need for integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law will be the focus of discussions at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha in 2015, in line with General Assembly resolutions 67/184 and 68/185.

3. The UNODC thematic programme on crime prevention and criminal justice reform, which is one of the five thematic programmes of UNODC,[2] focuses on assisting Member States in developing new instruments, strategies, policies and programmes for crime prevention and criminal justice reform. Support includes advocacy, research, legislative and legal support, norm-setting and technical assistance. The thematic programme is currently implemented in over 40 countries in all regions of the world through regional and country programmes and projects, as well as through a global project, covering the period 2012-2015 and in line with the mid-term strategy and the strategic framework for UNODC for that period.

4. The global project on support for crime prevention and criminal justice reform[3] attracted increased funding in 2013 from a wider variety of donors and covered considerably more outputs, as well as a number of additional countries. Those outputs covered all areas of the thematic programme on crime prevention and criminal justice. All of the normative activities, most of the tool-development

[1] The *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* is available at www.unodc.org/unodc/en/justice-and-prison-reform/compendium.html.

[2] The four other thematic programmes of the United Nations Office on Drugs and Crime cover the following areas: prevention of drug abuse and health; organized crime and illicit trafficking; corruption and economic crime; and prevention of terrorism.

[3] Project GLOT63.

activities and several of the technical assistance activities mentioned in the present report took place under that global project.

II. Setting the standards

5. During the reporting period, UNODC continued supporting Member States in setting global standards in the areas of treatment of prisoners, violence against children and gender-related killing of women and girls.

6. In December 2013, the General Assembly, in its resolution 68/190, decided to extend the mandate of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, authorizing it to continue its work within its mandate with a view to reporting to the Commission on Crime Prevention and Criminal Justice at its twenty-third session. Written inputs were provided by 32 Member States in advance of the meeting.[4] At the time of the preparation of the present report, the third meeting of the Expert Group was in the process of being scheduled; should it be held in time, the report on that meeting will be made available to the Commission at its twenty-third session in document E/CN.15/2014/19.

7. Pursuant to General Assembly resolution 68/189, UNODC convened a meeting of an open-ended intergovernmental expert group to develop a draft set of model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice. A working paper prepared by the Secretariat[5] focused on: (a) prohibiting violence against children, implementing broad prevention measures and promoting research and data collection, (b) enhancing the ability and capacity of the criminal justice system to respond to violence against children and protect child victims and (c) preventing and responding to violence against children within the justice system. At the invitation of the Government of Thailand, the meeting was held in Bangkok from 18 to 21 February 2014. The report of the Secretariat on the outcome of the expert group meeting will be before the Commission (E/CN.15/2014/14).

8. In December 2013, the General Assembly also adopted resolution 68/191, in which it requested the Secretary-General to convene an open-ended intergovernmental expert group meeting to discuss ways and means to more effectively prevent, investigate, prosecute and punish gender-related killing of women and girls, with a view to making practical recommendations, drawing on current best practices, in consultation with relevant United Nations entities and human rights mechanisms. The Assembly welcomed the offer of the Government of Thailand to act as host to the meeting, which is planned to be held in Bangkok in November 2014. A report of the Secretariat on the outcome of the expert group meeting will be before the Commission at its twenty-fourth session, in 2015.

[4] Available at www.unodc.org/unodc/en/justice-and-prison-reform/expert-group-meetings6.html.

[5] Available at www.unodc.org/documents/justice-and-prison-reform/IEGM_VAC_BKK/Draft_Model_Strategies.pdf.

III. Analysing trends

9. The standards and norms underline the importance of empirical evidence for effective crime prevention and criminal justice administration. UNODC collects and analyses statistical data from Member States, develops statistical standards to improve data quality and provides technical support to enhance national capacities to produce and analyse data.

10. In 2013, UNODC continued to collect data on selected crimes and on the operation of justice systems through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. The network of national focal points to coordinate national responses to the Survey was further extended (covering more than 110 countries), which had a positive impact on the response rate. Data collected through the Survey are regularly published on the UNODC website to facilitate access for a broad range of users. In June 2013, UNODC released an update of the data set on intentional homicide, containing comprehensive homicide data from 207 countries and territories.[6]

11. In order to improve crime statistics in a coordinated and comprehensive manner, UNODC developed — jointly with the National Institute of Statistics and Geography of Mexico (INEGI) — a road map to improve the quality and availability of crime statistics at the national and international levels (E/CN.3/2013/11). That document, wide-ranging in scope and with a long-term perspective, identified concrete areas of work for strengthening methodological standards on crime statistics, supporting countries' capacities and improving international data on and analyses of crime. The road map was discussed by the United Nations Statistical Commission and the Commission on Crime Prevention and Criminal Justice at their 2013 sessions. Upon the recommendation of the Commission on Crime Prevention and Criminal Justice, the Economic and Social Council adopted resolution 2013/37, in which it requested UNODC to continue activities to improve statistical information on crime in accordance with the road map and approved the plan to finalize by 2015 an international classification of crime for statistical purposes.[7]

12. UNODC made considerable progress in developing the international classification of crime for statistical purposes, which is expected to become a major tool for improving the accuracy, consistency and comparability of statistics on crime and the criminal justice system, once finalized and implemented by Member States. Standardized concepts and classification schemes will increase the analytical power of data on crime trends and patterns.

13. UNODC continued to provide technical support to countries implementing surveys and studies on a number of crime issues, including on corruption, crime victimization, access to justice and accessibility of firearms. UNODC is leading an initiative, jointly with the UNODC/INEGI Centre of Excellence for Statistical Information on Governance, Public Security, Victimization and Justice and the Inter-American Development Bank, to develop a common methodology for the conduct of victimization surveys in Latin America and the Caribbean.

[6] Available at www.unodc.org/unodc/en/data-and-analysis/homicide.html.

[7] See also E/CN.15/2014/10.

14. Surveys and other crime data-collection tools are increasingly being used to develop baselines for UNODC technical assistance in countries and to measure the impact and progress of such programmes.

IV. Developing tools and providing guidance

15. During the reporting period, UNODC continued developing handbooks, training curricula and guidance notes to support technical assistance in various areas of crime prevention and criminal justice.[8] The translation of existing tools into different languages continued, making them available to a larger audience. The Office also continued to disseminate the standards and norms and to promote their use and application by organizing and participating in workshops in different regions.

16. In the area of crime prevention, UNODC hosted an expert meeting in July 2013 to develop an introductory handbook on the regulation and oversight of civilian private security services. The handbook outlines relevant international instruments, standards and norms, as well as practices of States in that area.

17. In the area of victim support and protection, UNODC convened an expert meeting in Vienna in December 2013 to review a draft handbook and training modules on justice for victims of crime and abuse of power, with the participation of other United Nations agencies, academics, national agencies and international and national non-governmental organizations providing services to victims.

18. With respect to violence against women and girls, UNODC, in cooperation with the Thailand Institute of Justice and in consultation with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Development Programme (UNDP) and the Office of the High Commissioner for Human Rights (OHCHR), developed a handbook for prosecutors dealing with cases of violence against women and girls and an implementation action plan for criminal justice systems to prevent and respond to violence against women, to assist countries in using and applying at the national level the recommendations contained in the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.[9] In line with its new guidance note on gender mainstreaming, the Office is promoting a gender perspective in its criminal justice reform work, addressing the situation of women as victims, offenders and criminal justice professionals.

19. On access to legal aid, UNODC finalized its handbook for policymakers and practitioners on early access to legal aid in criminal justice processes, developed jointly with UNDP and in consultation with the Open Society Justice Initiative, to be launched in March 2014 at a global conference on legal aid. Pilot programmes are being developed jointly with UNDP to promote its practical use in selected countries. The Office also produced a booklet containing the new United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,

[8] Available at www.unodc.org/unodc/en/justice-and-prison-reform/tools.html.

[9] General Assembly resolution 65/228, annex.

which is being disseminated through UNODC field offices and at regional and national events.

20. In the area of prison reform and alternatives to imprisonment, in October 2013 UNODC published the *Handbook on Strategies to Reduce Overcrowding in Prisons*, developed in cooperation with the International Committee of the Red Cross. UNODC cooperated with a number of United Nations agencies, including the Department of Peacekeeping Operations and the United Nations Office for Project Services on prison reform-related publications and checklists.

21. In the area of justice for children, the Office published *Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary* and developed modules for the training of trainers on the treatment of child victims and witnesses of crime, with a focus on sexual exploitation of children.

V. Providing sustained technical assistance

A. Africa

22. In East Africa, UNODC provided technical assistance to Ethiopia, Kenya, Mauritius,[10] Seychelles, Somalia and the United Republic of Tanzania, in support of national criminal justice systems, through its regional programme[11] and its maritime crime programme.[12] Measures focused on reforming the entire criminal justice chain, through police reform and capacity-building for law enforcement, prosecution, courts and prisons, in order to ensure fair and efficient trials and secure and humane imprisonment.

23. In Somalia,[13] UNODC implemented prison reform activities in Mogadishu and Garowe. Under its piracy prisoner transfer programme, the Office improved prison conditions in Somaliland and Puntland, enabling the transfer of over 60 convicted pirates so far to serve their sentences in prisons meeting international standards. The Office also assisted victims of piracy, including hostages in captivity and those released, by providing medical care, clothing and sanitation and facilitating contact with families and embassies and repatriation. Guidelines on the treatment of alleged child pirates captured off the coast of Somalia, in line with the Convention on the Rights of the Child, are being developed.

24. UNODC provided advice and assistance to the Ministry of Justice and the Attorney General's Office in the region of Somaliland. On the basis of an analysis of the current framework for legal aid providers and of the capacities of lawyers and paralegals, UNODC conducted capacity-building and mentoring programmes for legal aid providers. New handbooks and manuals for legal practitioners and the Somaliland Police were developed, in accordance with applicable national legislation and international standards and best practices, to strengthen the skills and professionalism of justice officials. Training on law, procedure and investigative

[10] Project MUSX55.
[11] Project XEAU78.
[12] Projects XAMT72, XEAX20 and XAMX74.
[13] Projects SOMX54 and SOMZ15.

practice was provided to prosecutors, police trainers and police students. The Office also continued developing a litigants' charter for court users and citizens in general and supported authorities in Somaliland in drafting a national sentencing policy framework and sentencing guidelines. It conducted a joint assessment with the United Nations Children's Fund (UNICEF) of the implementation of the Juvenile Act.

25. In Ethiopia, UNODC started implementing the national integrated programme for Ethiopia, including the subprogramme on criminal justice.[14] It assisted and provided expertise to the Government of Ethiopia in developing an effective and responsible national crime prevention strategy and action plan and building the capacity of the criminal justice system to operate more effectively within the framework of the rule of law, while promoting human rights and protecting vulnerable groups.

26. In Kenya, a major police reform programme was launched to support the Government in its effort to transform the National Police Service into an effective, efficient, accountable and trusted institution for Kenyans.[15] UNODC developed an operational manual for investigators of the independent policing oversight authority to strengthen its capacity to conduct sound investigations in accordance with international human rights norms. A UNODC report on alternatives to imprisonment and the social reintegration of offenders in Kenya was launched and discussed with relevant counterparts to support the Government of Kenya in the development of a comprehensive prison reform strategy.

27. In South Sudan, the ongoing prison reform programme,[16] implemented in cooperation with the United Nations Mission in South Sudan, entered into a new phase,[17] with a focus on expanding prison facilities, improving literacy skills among prison staff, expanding probation and aftercare across the country and improving prisoner nutrition. UNODC also advocated the wider use and a wider scope of alternative measures for children in conflict with the law and finalized a proposal on supporting national efforts to build a functional juvenile justice system in line with international standards.

28. In West Africa, UNODC started developing crime prevention and criminal justice responses to the increase in piracy and armed robbery in the Gulf of Guinea. Concrete measures included the development of a strategy in relation to piracy, armed robbery against vessels and maritime crime in the Gulf of Guinea region and a workshop for legal and law enforcement officials, held in December 2013.

29. As part of the United Nations integrated strategy for the Sahel, UNODC has developed a strategic framework to, inter alia, strengthen the capacity of West African countries in the Sahel region to develop fair, accessible, efficient and accountable criminal justice systems in order to effectively combat drug trafficking, organized crime, terrorism and corruption in the region.

30. In Cabo Verde, UNODC started implementing a joint programme with UNICEF and advised the Government on a number of issues related to justice for

[14] Project ETHX97.
[15] Project KENZ04.
[16] Project SDNX06.
[17] Project SSDX98.

children, including on the development of a juvenile justice information management system.

31. In Liberia, UNODC started implementing a project to support the Office of the Public Defender in ensuring access to justice for indigent clients.[18] Planned activities include the development and delivery of basic skills training for public defenders and the strengthening of the Office of the Public Defender through practical workshops on professional standards and on cooperation and coordination with other criminal justice actors and civil society organizations. Another key component is a fellowship programme for law students to receive training in international law, teach community workshops and serve as interns in the Office of the Public Defender. The project is expected to be followed by a mentoring scheme.

32. In Mauritania, UNODC concluded its programme for building capacity in the areas of crime prevention and the rule of law,[19] through which community justice mechanisms were established to promote mediation.

33. In the Niger, UNODC undertook a prison reform needs assessment in November 2013, focusing on the specific problems affecting the country's prison administration, and held discussions with national counterparts on possible interventions.

34. In Nigeria, UNODC continued its criminal justice reform programme[20] by partnering with the Nigerian Law Reform Commission to develop sentencing guidelines that include templates for corruption cases, sexual offences and non-custodial sanctions. The judiciary participated actively in the process, and chief judges agreed to introduce the guidelines to magistrates and other judges. In cooperation with the national association of prosecutors, the Office finalized a national policy on prosecution, guidelines and a code of conduct for prosecutors. The code of conduct was signed by the Attorney General of Nigeria, and the policy and guidelines will be presented to the Body of Attorney Generals for adoption in 2014. In the area of juvenile justice, technical advice was provided to the Government, in cooperation with UNICEF.

35. In the Democratic Republic of the Congo, UNDP, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and UNODC started the implementation of a multi-year joint United Nations justice support programme in order to develop the criminal justice institutions and processes, the police, the judiciary and prisons.

36. In Southern Africa, UNODC is implementing a project on gender-based violence and empowerment of victims in partnership with the Southern African Development Community (SADC) Gender Unit and the Southern African Regional Police Chiefs Cooperation Organization, in the framework of the joint UNODC/SADC regional programme.[21] A situational assessment on gender-based violence in Lesotho, Mozambique, Namibia and Swaziland supported national strategic planning efforts. A regional train-the-trainer workshop on gender-based violence enhanced the capacity for peer training and was attended by participants

[18] Project LBRZ21.
[19] Project MRTT66.
[20] Project NGAV18.
[21] Project XASV23.

from Angola, Mauritius, Seychelles and the United Republic of Tanzania. Through advocacy, legislative and policy assistance, as well as the refurbishment of selected prison health facilities,[22] UNODC contributed to the improvement of prison conditions in Southern Africa so that they would be in conformity with United Nations standards and norms.

37. In South Africa, UNODC achieved increased community awareness of gender-based violence and enhanced support, treatment and counselling for survivors of such violence through the establishment of one-stop centres to counteract violence against women in Pretoria and Vryburg.[23]

B. Asia

38. In East Asia and the Pacific, UNODC conducted regional crime prevention and criminal justice reform activities. In February 2013, the Office organized a regional meeting on the implementation of the Bangkok Rules and an Association of Southeast Asian Nations expert meeting on the development of relevant training modules, in cooperation with the Thailand Institute of Justice. Training modules for prison staff, judges and prosecutors are currently being developed. In July 2013, UNODC together with UNDP, organized a high-level judicial integrity expert group meeting for the Asia-Pacific region to discuss a draft guide for the implementation of article 11 of the United Nations Convention against Corruption and United Nations standards and norms on judicial integrity.

39. In Indonesia, UNODC continued to strengthen judicial integrity and capacity.[24] The Office conducted an international workshop on judicial integrity-based reform and supported judicial reform by providing technical assistance in developing an education programme for candidate judges, as well as in institutional development by providing training analysis and pilot training for the public communication department of the Supreme Court. The implementation of court transparency in 11 provinces of Indonesia was reviewed. UNODC also supported external oversight by working closely with the Judicial Commission and the judicial watch network, a non-governmental organization network that conducts anti-corruption campaigns in nine provinces of Indonesia, delivers advocacy for victims of judicial corruption and offers capacity-building in court monitoring.

40. In Myanmar, UNODC developed a country programme in which crime prevention and criminal justice reform are an important priority. The Office started training and advisory services for the national police force, based on an assessment of its organizational structures, operational size and training regimes, with the aim of providing better assistance and coordination of international assistance for police reform in the country.

41. In Viet Nam, UNODC worked under the "One UN" framework to promote crime prevention and criminal justice initiatives, with a focus on women and

[22] Project XSSV02.

[23] Project ZAFS15, an independent evaluation of which is available at www.unodc.org/documents/evaluation/Independent_Project_Evaluations/2013/Final_Evaluation_ZAFS15_19JUNE2013.pdf.

[24] Project IDNX27.

children in contact with the law.[25] In addition to the ongoing project against domestic violence in Viet Nam, UNODC is cooperating with UN-Women in a joint assessment of the situation of women in the national criminal justice system, to identify gaps and priority areas for cooperation. UNODC also supported the drafting of the Penal Code and Criminal Procedure Code in relation to sexual abuse of children and provisions on child victim/witness protection, in the framework of the Viet Nam National Assembly Legislative Programme (2012-2015). The Office completed a police training curriculum on investigating the sexual exploitation of children for front-line officials and specialist investigators. UNODC also conducted training for police trainers to enhance the protection of the rights of children in conflict with the law.

42. Under its regional programme for South Asia (2013-2015), launched in May 2013, UNODC conducted a number of crime prevention and criminal justice activities. In India, the Office participated in the National Conference of Correctional Administrators and facilitated a session at the 33rd Asian and Pacific Conference of Correctional Administrators. In the context of its regional project on drugs and HIV prevention in prisons, UNODC focused on the needs of female prisoners and established a strong foundation for work on a larger prison reform agenda. UNODC also supported efforts to address violence against women in India and to enhance justice for children, as a member of the South Asia Coordination Group on Action against Violence against Children and the South Asian Initiative to End Violence against Children.

43. With a view to providing support for criminal justice reform in Central Asia, UNODC produced a training film on interviewing vulnerable witnesses and disseminated it to law enforcement agencies and training centres in the region, receiving positive feedback. Available in the English, Russian, Tajik and Uzbek languages, that training tool serves to enhance the understanding and interview skills of investigators and prosecutors dealing with vulnerable victims. UNODC also promoted the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems by participating in a regional workshop on access to justice, which was also attended by representatives from Central and Eastern Europe.

44. In Afghanistan, UNODC made a difference in terms of increased coordination of justice agencies in some locations and an increased number of open trials, as well as in improving conditions for prisoners, particularly women and children.[26] Under its country programme (2012-2014),[27] UNODC provided legal training for 480 judges, prosecutors and attorneys from the Bamyan, Mazar and Herat regions, focusing on, among other things, the protection of victims and witnesses. A legal awareness campaign was conducted in the provinces of Bamyan and Mazar to promote the right to a fair trial, non-discrimination and gender equality. At the Kabul Juvenile Rehabilitation Center, UNODC provided vocational training workshops and psychosocial services, in collaboration with the Ministry of Justice and a local non-governmental organization. The Office is currently constructing

[25] Project VNMT28.

[26] Projects AFG/T03, AFG/R87 and AFG/R86, an independent evaluation of which is available at www.unodc.org/documents/evaluation/Independent_Project_Evaluations/2013/AFG_Cluster/03_Project_Cluster_Evaluation_Afghanistan_Criminal_Justice_Cluster_JULY2013.pdf.

[27] Project AFGK62.

three judicial and court facilities in Bamyan, Ghorian district and Hiaratan district, to be completed in 2014.

45. In Kyrgyzstan,[28] UNODC increased the scope of its technical assistance to enhance multi-agency coordination and policy development on crime prevention and criminal justice, in addition to improving prison management and the social reintegration of offenders. UNODC efforts to help bring criminal legislation in line with United Nations standards and norms have so far resulted in the adoption of 6 laws, 25 government decrees and over 100 internal prison service orders. UNODC conducted pilot activities to improve the integrity and transparency of two police stations in the provinces of Jalalabad and Batken, supporting the implementation of the new national police reform strategy. A scoping mission undertaken in January 2014 gathered information on the implementation of the Law on Crime Prevention and existing initiatives and recommended a pilot project for the city of Jalalabad. UNODC completed a prison refurbishment programme that improved sanitary conditions for approximately 3,000 prisoners (half of the overall prison population) and 400 prison staff. Further achievements included the expansion of the prison service training centre curriculum by adding eight training modules, on such subjects as prison management; the establishment of a new State enterprise under the prison service to manage and develop prison income-generating activities; a review of security arrangements in prisons with a view to a future national prison security framework; and stronger internal and external prison oversight through the monitoring of disciplinary measures, with the involvement of national human rights institutions and other oversight bodies.

46. In Pakistan, UNODC provided criminal justice reform assistance through its country programme,[29] focusing on police reform, prosecution services and prison reform. Specific measures focused on enhancing the forensic investigation capacity, cooperation between the police and prosecutors, training for prison managers and staff, and updates to the regulatory framework of the prison administration.

47. In Georgia, UNODC participated in an inter-agency prison assessment requested by the Government, focusing on compliance with international standards and norms concerning prison management and the treatment of prisoners.

C. Latin America and the Caribbean

48. In Latin America and the Caribbean, UNODC continued support through its Regional Office for Central America and the Caribbean[30] and the centre of excellence on prison reform and drug demand reduction based in the Dominican Republic.[31] The centre of excellence organized a number of training courses and regional meetings. In the context of the Central American Integration System security strategy for Central America, the centre is designing a regional penitentiary model.

[28] Project KGZT90.
[29] Project PAKU84.
[30] Project PANV28.
[31] Project DOMV07.

49. UNODC promoted the Bangkok Rules among the public defenders of the region at a regional meeting of public defenders in San José.[32] In St. Lucia in March 2013, UNODC conducted a training event on juvenile justice information management systems, jointly with UNICEF and the Organisation of Eastern Caribbean States, which was attended by representatives from 12 Caribbean States. The Office also supported a qualitative study on the profile of youth gangs in Saint Lucia.

50. In the Plurinational State of Bolivia, the Office completed a project on restorative juvenile justice,[33] which produced a number of studies and pilot tests at the Qalauma rehabilitation centre in La Paz. Results include inputs to the draft code of criminal procedure and the juvenile criminal justice bill, increased awareness of issues related to restorative justice and children in detention among justice officials, and the development of an action plan for adolescents and young people in detention, developed on the basis of a restorative justice perspective. The Office also supported an evaluation of the community policing model and assisted the municipal government of La Paz in identifying best practices in crime prevention. It also implemented an information strategy to raise awareness about crime prevention in a district of La Paz.

51. In Brazil,[34] the Office continued to implement the "Expressive youth" programme in partnership with communities and with the support of the private sector. New initiatives include activities directed at girls and young women in vulnerable communities and the exchange of experiences nationally and internationally.

52. In Colombia,[35] UNODC made progress in implementing local safety audits, which identified the dynamics of citizen security in the cities of Medellín and Caucasia, and supported the formulation of local plans for citizen coexistence and security. UNODC designed a methodology for formulating, and a draft handbook on monitoring and evaluating, those security plans. A pilot workshop was implemented in the city of Pereira, to be followed in 2014 by the development of 13 security plans and the provision of technical assistance to 32 departments nationwide. The Office also trained police, prosecutors and judges in restorative justice for children and developed a programme, together with the National Institute on Youth and Family to promote the application of restorative justice principles in cases of children in contact with the law, to be implemented in the municipalities of Cali, Manizales, Armenia, Barranquilla and Pereira.

53. In Ecuador and Peru, UNODC published a compilation of jurisprudence related to juvenile justice and continued to provide policy and legal advice to the Governments of those countries in that field.

54. In Mexico,[36] UNODC participated in various consultative processes to design national laws and programmes, providing input on the issues of juvenile justice, restorative justice, alternative justice, attention to victims, violence against women,

[32] See www.unodc.org/ropan/en/IndexArticles/PrisonReform/prison-reform-meeting-in-costa-rica.html.

[33] Project GLOT63.

[34] Projects BRAT83 and BRAX16.

[35] Projects COLU99 and GLOT63.

[36] Projects MEXT99, MEXX13, MEXV27 and MEXZ14.

access to justice and police reform. At the state level, the Office is assisting the government of the State of Nuevo León in improving the capacity of its municipalities for designing and implementing local initiatives to develop family skills and thus reduce risk factors such as drug abuse, domestic violence and violence against women and children. In the State of Durango, UNODC is supporting government initiatives to develop gender-differentiated strategies to respond at the local level to violence against women and family violence, including training for police and public institutions, the strengthening of referral networks for cases of violence against women, and legal assistance to incorporate national and international standards. The Office also provided advice to Mexico City's Legislative Assembly to ensure compliance with the standards and norms of a bill on local penitentiary system reform.

55. In Panama, UNODC concluded a project to improve citizen security[37] and continued implementing its projects on prison reform,[38] with the objective of developing a comprehensive reform strategy for the humanization of prison conditions and the professionalization of prison staff. The Office strengthened the Prison Training Academy, improved living conditions for women prisoners and strengthened the provision of educational, labour and productive activities for prisoners. In coordination with the Inter-American Development Bank, UNODC is implementing parts of the new security cooperation programme for Panama, funded by the European Union, focusing on prison reform and strengthening the public prosecution service.

56. Within the framework of its Integrated National Programme for Paraguay,[39] UNODC made progress in enhancing criminal prosecution capabilities by developing specialized courses for public prosecutors and conducting training of trainers. It also held a national workshop with the Supreme Court, focusing on the accusatory system and the development of specialized capacities within the criminal justice system.

D. North Africa and the Middle East

57. Crime prevention and criminal justice constitute an essential pillar of the Regional Programme on Drug Control, Crime Prevention and Criminal Justice Reform in the Arab States for the period 2011-2015. In this context,[40] UNODC provides technical assistance at the regional and national levels, taking into account the impact of the Syria crisis and other conflicts in the region. In Egypt, UNODC provided advice on juvenile justice and contributed to the socioeconomic reintegration of 500 released children and youth enrolled in a programme to prepare them for reintegration, established by UNODC in coordination with civil society organizations inside a detention centre.[41] Other planned workshops and consultations in the fields of community policing, crime prevention, prison management, criminal investigation and detention could not be carried out, owing to

[37] Project PANU73.
[38] Projects PANT37 and PANX12.
[39] Project PRYX68.
[40] Project XAMV12.
[41] Project EGYT47.

the continued political unrest. However, UNODC held a consultative workshop on action against violence against women in December 2013, jointly with the Ministry of Justice and with the participation of the Ministry of Interior, to conduct high-level consultations and a review of best practices with a view to developing a national action plan.

58. In Jordan, UNODC completed its project to support the juvenile justice system.[42] The project contributed to the establishment of a protective environment in nine courts throughout the country through the provision of closed-circuit television systems and the development of a specialized curriculum and training manual on juvenile justice, both to be used during the instruction of judges and students at the judicial training institute. UNODC supported the increased investigation capacity and equipment supply of law enforcement units responsible for security in the Za'atari refugee camp,[43] in order to facilitate the adoption of community policing approaches, increase the number of female police officers and better deal with sensitive cases, including by interviewing and supporting victims of sexual and gender-based violence and lost children. Under a new project to enhance the protection of citizens, including children in contact or conflict with the law, UNODC aims at strengthening the working methods of the Jordanian Public Security Directorate, with a focus on building the capacity of the new Juvenile Police Department and the Criminal Investigations Department and on strengthening and institutionalizing effective investigation and prosecution practices and procedures, with due respect for human rights and fundamental freedoms. Together with UNDP, the Office organized a high-level workshop to strengthen the integrity of judges and prosecutors while safeguarding judicial independence, in line with a draft guide for the implementation of article 11 of the United Nations Convention against Corruption and United Nations standards and norms on judicial integrity.

59. In Lebanon, UNODC continued implementing a penal reform programme to facilitate the transfer of the prison administration from the Ministry of Interior to the Ministry of Justice.[44] The implementation of a data management system provided the authorities with a comprehensive overview of the prison situation and population, enabling it to adopt strategies to deal with gaps and challenges. UNODC also supported the establishment of procedures regarding prisoners' complaints and income-generating activities to enable rehabilitation and reintegration. The Office also responded to the challenges deriving from the influx of Syrian refugees, including a significant increase in the number of Syrians among the prison population. UNODC provided health kits and psychological support to vulnerable detainees, especially children and young adults, liaised with their families and facilitated their reintegration after release.

60. In Libya, UNODC continued implementing a project to support criminal justice reform.[45] The Office also supported the efforts of the General Prosecutor's Office to promote fair trials and finalized a workplan, endorsed by the Government, for new activities on juvenile justice. UNODC also participated in the development

[42] Project JORT36.
[43] Project GLOT63.
[44] Project LBNT94.
[45] Project LBYS66.

and implementation of a country support plan by the global focal point for police, justice and corrections.

61. In the State of Palestine, UNODC concluded its project to strengthen the management of the Palestinian penitentiary system and the rehabilitation of inmates, which facilitated and improved the management of correction and rehabilitation centres and resulted in improved compliance with regulatory frameworks through enhanced management, training and outreach.[46]

62. In Tunisia, UNODC started implementing a project to promote human rights and the rule of law by strengthening the capacity of the Government to reform the police and promote judicial capacity and integrity.[47] A workplan was validated with national counterparts, and initial self-assessment and advisory services were provided to the Internal Security Forces, the National Guard, the Ministry of Interior and the Ministry of Justice.

63. In Iraq, UNODC implemented the preparatory programme on strengthening the management and operation of prisons administered by the Iraqi Corrections Service. Activities included the convening of two workshops, in Amman in April and October 2013, focusing on the assessment and classification of prisoners, and a workshop on special categories of prisoners, in Baghdad in January 2014.

64. In Yemen, a national strategy on drug control, crime prevention and criminal justice reform, developed with the support of UNODC and containing a strong criminal justice pillar, was adopted by the Government in late 2013.

VI. Partnerships

65. As described above, UNODC has been developing tools and delivering technical assistance projects in partnership with a wide variety of international and local governmental and non-governmental organizations.

66. UNODC is moreover an active member of the Rule of Law Coordination and Resource Group of the Secretariat,[48] which aims at ensuring effective and coherent United Nations rule of law efforts in line with the aspirations of national and international partners. Through the Coordination and Resource Group, UNODC has participated in the drafting of documents such as the UN-Women report on access to justice and the Secretary General's guidance note on reparations for conflict-related sexual violence, as well as reports on the rule of law, justice and security in the post-2015 development agenda. The Office participated in an event on regional

[46] Project PSEX21, an independent evaluation of which is available at www.unodc.org/documents/evaluation/Independent_Project_Evaluations/2013/PSEX21_final_evaluation_report_27NOV2013.pdf.

[47] Project TUNX80.

[48] Members of the Group are the principals of the Department of Political Affairs, the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Human Rights, the Office of Legal Affairs, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Entity for Gender Equality and the Empowerment of Women and the United Nations Office on Drugs and Crime.

organizations, the rule of law and constitutional governance, organized by the Coordination and Resource Group.

67. UNODC also actively participated in the work of the global focal point for the police, justice and corrections in post-conflict and other crisis situations, in relation to joint missions, planning or programming in the Democratic Republic of the Congo, Guinea, Guinea-Bissau, Haiti, Libya, Mali, Myanmar, Somalia and Yemen, as well as strategic and operational discussions at headquarters. Led by UNDP and the Department for Peacekeeping Operations, in partnership with OHCHR, UN-Women and UNODC, the global focal point was established to ensure highest-quality support for United Nations country presences in mission and non-mission settings, and UNODC is supporting the efforts for unified United Nations rule of law strategies and assistance in such countries. UNODC also participates actively in the Global Forum on Law, Justice and Development, set up by the World Bank, in particular in its Thematic Working Group on Justice and Rule of Law Reform. The Global Forum seeks to promote a better understanding of the role of law and justice and to better integrate legal and judicial institutions in the development process, through selected capacity-building initiatives and an open repository of knowledge.

68. UNODC is also part of United Nations coordination mechanisms aimed at improving the effectiveness of the system-wide response to violence against women, such as the Inter-Agency Network on Women and Gender Equality and the United Nations Action against Sexual Violence in Conflict. In March 2013, the Executive Director took part in the latter's campaign against rape. UNODC also worked with the World Health Organization (WHO) to develop a medical/legal toolkit for practitioners on sexual violence in conflict and attended an expert group meeting for that purpose in April 2013.

69. In the area of crime prevention, UNODC continued cooperation with the United Nations Human Settlements Programme on developing United Nations guidelines for safer cities, pursuant to General Assembly resolution 68/188. The Office contributed to the UNDP *Regional Human Development Report 2013-2014* for Latin America,[49] focusing on the problems of crime and violence in the region, and providing recommendations for improving public policies on citizen security. UNODC also provided input for the development of WHO guidelines on the prevention of youth violence. The Office supported the preparation of a report on crime prevention, to be submitted to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, by the standing committee for crime prevention under the auspices of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders.

70. In the area of police reform, strong partners are the Organization for Security and Cooperation in Europe (OSCE), UNDP, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Geneva Academy of International Humanitarian Law and Human Rights and the Geneva Centre for the Democratic Control of Armed Forces. In April 2013, UNODC organized with OSCE and the Geneva Academy an expert meeting on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The resulting report highlighted the

[49] Available at www.undp.org/content/undp/en/home/librarypage/hdr/human-development-report-for-latin-america-2013-2014/.

continued relevance of the Basic Principles and the need to review their implementation, as well as good practices and challenges at the regional level.

71. In the area of prison reform, UNODC provided extensive substantive support to the Department for Peacekeeping Operations in the drafting of a checklist for first responders in post-conflict settings to evaluate prisons against international standards. The Office also cooperated with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in relation to the ongoing revision of the Standard Minimum Rules for the Treatment of Prisoners. UNODC partnered with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law to draft two training modules on the Bangkok Rules, for prison staff and for the judiciary and prosecutors, and with the Council of Europe's European Programme for Human Rights Education for Legal Professionals, one on alternatives to imprisonment. A strong partnership with Penal Reform International and the Thailand Institute of Justice led to synergies in the promotion of the Bangkok Rules.

72. On access to justice and legal aid, UNODC participated in an OSCE Office for Democratic Institutions and Human Rights regional round table on access to legal aid for Central Asian countries and provided detailed presentations on the new principles and guidelines. The Office also increased cooperation with UNDP, including by developing a joint proposal for a global study on legal aid delivery through a desk review and the development of a survey, for which funding is now sought.

73. In the area of justice for children, UNODC is an active member of the Inter-agency Panel on Juvenile Justice and its Steering Committee, through which relevant United Nations standards and norms were disseminated at the national, regional and international levels. UNODC cooperated with UNICEF, OHCHR and the Special Representative of the Secretary-General on Violence against Children in developing draft model strategies and practical measures for the elimination of violence against children in the field of crime prevention and criminal justice, pursuant to General Assembly resolution 68/189. UNODC and UNICEF promoted existing joint tools and cooperated at the country level in the development of joint programmes and the delivery of training activities to enhance justice for children. The Office also strengthened its cooperation with the European Union by providing substantive advice as a member of the steering group for the study to collect data on children's involvement in administrative, civil and criminal judicial proceedings in the 27 member States of the European Union and Croatia.

VII. Conclusions and recommendations

74. During the reporting period, UNODC supported important normative developments in the areas of crime prevention and criminal justice reform: the revision of the Standard Minimum Rules for the Treatment of Prisoners and the development of model strategies and practical measures for the elimination of violence against children in the field of crime prevention and criminal justice. In parallel, UNODC strengthened its promotion of the use and application of the standards and norms through the provision of technical assistance in an increasing

number of countries, based on its continued work on data collection and analysis and tool development.

75. Given the central role of the standards and norms in guiding Member States' efforts to develop and implement crime prevention and criminal justice policies and programmes, the Commission on Crime Prevention and Criminal Justice may wish to:

(a) Recommend that Member States:

(i) Recognize the importance of security, justice and the rule of law as enabling conditions and as integral parts of sustainable and equitable growth, and include justice and security goals, targets and indicators in the post-2015 development framework;

(ii) Include crime prevention and criminal justice reform in national development plans, the United Nations Development Assistance Framework, poverty reduction strategy papers and related budgets and funding systems;

(iii) Continue to support the role of UNODC in promoting crime prevention and criminal justice reform in post-conflict and crisis situations and to provide extrabudgetary financial resources for the co-location of staff in the global focal point and UNODC participation in joint missions and programmes;

(iv) Adopt and implement long-term crime prevention and criminal justice reform programmes, plans and strategies that are knowledge-based and multisectoral, cutting across ministries and engaging public participation, to ensure the full implementation of existing standards and norms in crime prevention and criminal justice reform;

(v) Include such programmes, plans and strategies in national development plans and national budgets, setting specific targets and objectives for crime reduction, crime prevention and reintegration of offenders and victims;

(vi) Use and apply relevant UNODC tools, such as handbooks, training materials and model laws, when developing and implementing crime prevention and criminal justice reform strategies, policies and programmes;

(vii) Consider requesting the technical assistance of UNODC when embarking on the development and implementation of crime prevention and criminal justice reform strategies, policies and programmes, including by funding such assistance nationally;

(viii) Provide financial and technical support for UNODC technical assistance for the implementation of the standards and norms in crime prevention and criminal justice, as well as for their further development or revision, in order to reflect new advances in crime prevention and criminal justice practices;

(b) Recommend that UNODC:

(i) Continue to act as a centre of expertise on crime prevention and criminal justice issues in the United Nations system;

(ii) In its responses to counter illicit drugs and crime, make full use of and promote the implementation of the standards and norms in crime prevention and criminal justice;

(iii) Continue to develop guidance and technical assistance instruments, in particular learning tools such as training curricula and e-learning tools;

(iv) Strengthen its capacity to provide legal and technical assistance to Member States and regional entities in crime prevention and criminal justice matters;

(v) Include crime prevention and criminal justice reform as an essential pillar in all its national and regional integrated programmes, with the aim of ensuring sustainability and respect for human rights;

(vi) Continue to act as centre of expertise for data on and analysis of crime and criminal justice and, in that role, produce methodological guidance and international standards on data collection, such as the international classification of crime for statistical purposes, and other standard methodological tools for conducting victimization surveys.

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Thematic discussion on international cooperation in criminal matters

Discussion guide for the thematic discussion on international cooperation in criminal matters

Note by the Secretariat

Summary

The present note has been prepared by the Secretariat as a guide for the thematic discussion of the Commission on Crime Prevention and Criminal Justice at its twenty-third session, pursuant to Commission decision 18/1, entitled "Guidelines for the thematic discussions of the Commission on Crime Prevention and Criminal Justice". In its decision 2010/243, the Economic and Social Council decided that the prominent theme for the twenty-third session of the Commission would be "International cooperation in criminal matters, bearing in mind paragraph 21 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World". In the present note, a series of questions on the relevant topics are proposed for discussion by the Commission, some issues are outlined for shaping that discussion and background information is provided.

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I. Introduction

1. At its reconvened twenty-second session, held on 12 and 13 December 2013, the Commission endorsed the following approach to the organization of the thematic discussion at the twenty-third session: the thematic debate would take place during a morning and an afternoon meeting and all topics would be discussed at both meetings. The debate during the morning would focus on taking stock of lessons learned and challenges faced, and the debate during the afternoon would cover the way forward and further action to address challenges faced, bearing in mind paragraph 21 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World. The following topics were approved by the Commission:

(a) Specific modalities of international cooperation in criminal matters:

(i) Extradition and mutual legal assistance;

(ii) International cooperation for the purposes of confiscation;

(iii) Use of other forms of international cooperation in criminal matters;

(b) How to manage international cooperation in multiple legal proceedings where the same individual is involved;

(c) Implementing international instruments containing provisions on international cooperation in criminal matters;

(d) Learning from experiences at the regional level;

(e) International cooperation in combating new and emerging forms of crime;

(f) Provision of technical assistance;

(g) Addressing the gaps — the way forward.

2. The present note has been prepared by the Secretariat in accordance with Commission decision 18/1, entitled "Guidelines for the thematic discussions of the Commission on Crime Prevention and Criminal Justice", in which the Commission decided that the discussion on the prominent theme would be based on a discussion guide including a list of questions to be addressed by participants.

II. Issues for discussion

A. Specific modalities of international cooperation in criminal matters

Background

(i) Extradition and mutual legal assistance

3. International cooperation in criminal matters is the cornerstone of coordinated efforts to prevent and combat crime in its transnational manifestations. The United Nations conventions against crime, such as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the United

Nations Convention against Transnational Organized Crime, the United Nations Convention against Corruption and the universal counter-terrorism conventions and protocols, have included — in most cases — comprehensive provisions on strengthening international cooperation among parties, with special emphasis on extradition and mutual legal assistance.

Extradition

4. With regard to extradition, article 6 of the 1988 Convention, article 16 of the Organized Crime Convention and article 44 of the Convention against Corruption set a minimum standard for enhancing the efficiency of extradition mechanisms in relation to the offences covered by those conventions. The conventions encourage States parties to expand their extradition network by concluding bilateral or regional treaties or arrangements that can go beyond that minimum standard. The conventions also encourage States parties that do not make extradition conditional on the existence of a treaty to recognize the offences to which they apply as extraditable offences between themselves.

5. Recent trends and developments in extradition law and practice have focused on relaxing the strict application of certain grounds for refusal of extradition requests. In addition, double criminality is usually deemed fulfilled by use of a conduct-based approach, regardless of the terminology used to denominate the offence in question. In that context, article 43, paragraph 2, of the Convention against Corruption appears to codify existing practice between States parties in the field of international cooperation in criminal matters, including extradition.

6. The reluctance to extradite their own nationals appears to be lessening in many States. However, while more Member States are now allowing the extradition of their nationals, others still have constitutional or legislative limitations. To deal with such situations, the above-mentioned conventions contain provisions to ensure that the denial of extradition on the grounds of nationality does not result in immunity. For example, article 16, paragraph 10, of the Organized Crime Convention and article 44, paragraph 11, of the Convention against Corruption stipulate that in cases where the requested State refuses to extradite a fugitive on the grounds that the fugitive is its own national, that State has the obligation to bring the person to trial. This is an illustration of the principle of *aut dedere aut judicare* (extradite or prosecute). Where extradition is requested for the purpose of enforcing a sentence, the requested State may also enforce the sentence that has been imposed in accordance with the requirements of its domestic law (see article 16, paragraph 12, of the Organized Crime Convention and article 44, paragraph 13, of the Convention against Corruption).

7. The surrender of a person for trial in the requesting State, on the condition that any sentence imposed will be served in the requested State, can resolve the impasse that results when submission for prosecution is not considered a desirable outcome. The Organized Crime Convention (article 16, paragraph 11) and the Convention against Corruption (article 44, paragraph 12) provide that conditional extradition or surrender, when permitted by domestic law, satisfies the "extradite or prosecute" obligation. That solution permits the case to be tried where the social harm occurred and where the victims and witnesses are located. Returning the prisoner to the State of nationality has clear rehabilitative and humanitarian advantages, so conditional extradition or surrender can be a mutually beneficial resolution that merits increased

consideration. It may be accomplished through the combination of an extradition treaty and a treaty on the transfer of a foreign sentenced person.

8. Different prosecutorial practices under common law and civil law systems make effective interregional and international cooperation more difficult. In the field of extradition, such differences are even more acute when dealing with the relevant evidentiary requirements for granting an extradition request. Both the Organized Crime Convention (article 16, paragraph 8) and the Convention against Corruption (article 44, paragraph 9) urge States parties to simplify the evidentiary requirements set forth in their domestic extradition proceedings.

9. With regard to the time needed for granting an extradition request, divergent practices exist. In the vast majority of Member States, the length of extradition proceedings is subject to such factors as the availability of judicial remedies against the extradition decision at the judicial stage of the process or the executive stage (against the ministerial decision allowing extradition) or both, parallel asylum proceedings that may be pending in the requested State and the complexity of the case. In a growing number of Member States, a simplified extradition process is in place, whereby the person sought may consent to his or her extradition to the requesting State, which makes the process much faster.

Mutual legal assistance

10. Article 18 of the Organized Crime Convention and article 46 of the Convention against Corruption are typical examples of what may be called a "mini mutual legal assistance treaty".

11. Experience under those articles has led to the recognition that a substantial contribution by central authorities is the most direct avenue to improving mutual assistance practices. The above-mentioned conventions require the designation of a central authority with the responsibility and power to execute mutual assistance requests or to transmit them for execution to the competent authorities.

12. One of the major problems in mutual legal assistance practice is that the requested State is often slow in replying. There are many reasons for such delays, including a shortage of trained staff, linguistic difficulties and delays in translation and differences in the procedures that need to be followed for the execution of the requests. Emphasis is placed on the importance of promptness when it comes to requests for mutual legal assistance in both the Organized Crime Convention (article 18, paragraphs 13 and 24) and the Convention against Corruption (article 46, paragraphs 13 and 24).

13. A crucial factor in and a precondition for a prompt response to requests for mutual legal assistance is flexibility in their execution. Under article 18, paragraph 17, of the Organized Crime Convention and article 46, paragraph 17, of the Convention against Corruption, a request should be executed in accordance with the domestic law of the requested State. However, the article also provides that, to the extent not contrary to the domestic law of the requested State and where possible, the request should be executed in accordance with the procedures specified in the request.

(ii) International cooperation for the purposes of confiscation

14. It has been relatively recently that international agreements have begun to contain provisions on assistance in identifying, tracing and freezing or seizing proceeds of crime for the purpose of eventual confiscation (which can be regarded as a special form of mutual legal assistance). The reason for the inclusion of such provisions was the need to target the proceeds of crime and the profit motive, which are behind the rapid growth of crime.

15. Confiscation of assets based on foreign evidence or a foreign court order or conviction requires decisions to be made concerning the disposal of those assets. In article 5, paragraph 5 (b), of the 1988 Convention it is proposed that a State party confiscating proceeds or property consider sharing the proceeds with intergovernmental bodies specializing in the fight against illicit traffic in and abuse of narcotic drugs and psychotropic substances or with other States parties. The Organized Crime Convention, with its broad application to any type of serious crime committed by a group for profit, contains the same provision, and also urges the return of confiscated property to the requesting State party so that compensation can be given to victims of crime. The Model Bilateral Agreement on the Sharing of Confiscated Proceeds of Crime or Property was developed under the auspices of the Commission on Crime Prevention and Criminal Justice and adopted by the Economic and Social Council in its resolution 2005/14. The Convention against Corruption is the first convention that introduces the concept of unconditional return of confiscated proceeds of crime when certain prerequisites are met.

16. Asset recovery is a relatively new area for international cooperation. It was introduced through chapter V of the Convention against Corruption, which includes the provision that States parties should afford one another the widest measure of cooperation and assistance in the field. In the Convention, emphasis is placed on effective mechanisms to prevent the laundering of the proceeds of corrupt practices and on the recovery of assets diverted through corrupt practices, and includes specific provisions on the return and disposal of assets (article 57). Asset recovery is linked to other areas covered by the Convention. For example, the provisions on the prevention and detection of transfers of proceeds of crime (article 52) complement the measures to prevent money-laundering (article 14), while the provisions on international cooperation for purposes of confiscation (articles 54 and 55) tie in closely with the provisions on international cooperation (chapter IV), in particular with regard to mutual legal assistance (article 46). The complementarity between the provisions of the Convention on asset recovery and mutual legal assistance is of particular importance, as offenders frequently seek to hide their ill-gotten proceeds in more than one jurisdiction in order to thwart law enforcement efforts to locate, seize and ultimately confiscate them. Together, the provisions provide a unique and innovative framework for asset recovery, but much depends on their effective implementation by States parties.

(iii) Use of other forms of international cooperation in criminal matters

17. With the increase in international travel and migration, it has become progressively more common for countries around the world to convict and sentence foreign citizens to terms of imprisonment or other forms of deprivation of liberty. The transfer of sentenced persons to their country of origin so that they complete

their sentences there is based on humanitarian principles and is usually consent-based.

18. Member States have tended to enter into bilateral or multilateral agreements or arrangements on the transfer of prisoners. That approach is encouraged in article 17 of the Organized Crime Convention and article 45 of the Convention against Corruption. In practice, multilateral conventions also appear to be used extensively in the field, especially at the regional level.

19. A relatively new option in transnational criminal justice is for one State to transfer criminal proceedings to another State. That may be a practical alternative in cases where the latter State appears to be in a better position to conduct the proceedings or the defendant has closer ties to it, for example as a citizen or resident. It may also be used as an appropriate procedural tool to increase the efficiency and effectiveness of domestic prosecutions initiated and conducted in lieu of extradition.

20. At the normative level, the 1988 Convention, the Organized Crime Convention and the Convention against Corruption include specific provisions on the transfer of criminal proceedings, enabling States parties to resort to that form of international cooperation where it is in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved (see paragraphs 26-35 below), with a view to concentrating the prosecution.

21. Joint investigations have been used as a form of international cooperation for many years in cross-border crime, particularly in relation to organized crime. However, the practice appears to have developed on the basis of ad hoc arrangements. Practical experience has shown that such operations raise issues related to the legal standing and powers of officials operating in another jurisdiction, the admissibility of evidence in a State obtained by an official from another State, the giving of evidence in court by officials from another jurisdiction, and the sharing of information between States before and during an investigation.

22. Under article 19 of the Organized Crime Convention and article 49 of the Convention against Corruption, States parties are encouraged to conclude bilateral or multilateral agreements or arrangements on the establishment of joint investigative bodies in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States and, in the absence of such agreements or arrangements, to seek to conduct joint investigations on a case-by-case basis, provided that the sovereignty of the State party in which the joint investigation takes place is fully respected.

23. In investigations where evidence or intelligence originates from overseas, information could initially be sought through informal law enforcement channels, which may be faster, cheaper and more flexible than the more formal route of mutual legal assistance. The necessary arrangements for such informal contacts should, however, be subject to appropriate protocols and safeguards.

24. The aim of article 27 of the Organized Crime Convention and article 48 of the Convention against Corruption, as well as article 20 of the Organized Crime Convention and article 50 of the Convention against Corruption, to the extent that they relate to the use of special investigative techniques in the context of cooperation at the international level, is to promote close cooperation between law

enforcement authorities of States parties as an important tool for the successful investigation of transnational organized crime and corruption.

Questions for discussion

25. The Commission may wish to consider the following questions for further discussion:

(a) What are the main obstacles to more extensive use of the United Nations conventions as the legal basis for international cooperation in criminal matters? What can be done to promote such use, especially in the absence of bilateral or regional instruments?

(b) In the area of extradition, how can requirements, conditions and processes relating to issues such as double criminality, grounds for refusal, evidentiary thresholds and judicial review of extradition decisions be simplified and streamlined?

(c) What is the potential for regional models on the mutual recognition of arrest warrants (e.g. the European arrest warrant) to be adopted in other regions?

(d) How can obstacles linked to the non-extradition of nationals be overcome? How can the use of alternatives — application of the *aut dedere aut judicare* principle or conditional surrender and/or enforcement of a foreign sentence — be further promoted?

(e) In the area of mutual legal assistance, what good practices contribute to the expeditious cooperation for the full execution of requests? What national practices are followed with regard to the application of double criminality in mutual legal assistance involving coercive and non-coercive measures and action? Is spontaneous transmission of information before the submission of mutual legal assistance requests used extensively and, if so, what are the lessons learned from that practice? Is it common to extend assistance beyond cooperation in criminal matters to include assistance in investigations of and proceedings in civil and administrative matters relating to the offence in question? What are the rules and requirements in place regulating the execution of mutual legal assistance requests?

(f) How can networks of liaison magistrates, prosecutors and police officers posted abroad be extended to facilitate communication and promote law enforcement cooperation?

(g) What experiences, practical cases and good practices exist in setting up joint investigative teams to combat transnational crimes? What are the main legal impediments to the establishment of joint investigations? What administrative and operational challenges have been encountered in practice?

(h) What difficulties are encountered when using special investigative techniques in the context of cooperation at the international level, especially with regard to the production and admissibility of evidence?

(i) How can international cooperation be enhanced with regard to tracing, freezing and confiscating proceeds of crime in order to deprive criminals of their profits? What are the difficulties encountered in practice with regard to the return and disposal of assets derived from corruption offences? What are the specific legal, institutional, operational and communication barriers to effective asset recovery and

how can they be addressed? What can be defined as good practices in the areas of disposal of confiscated proceeds of crime and asset recovery? How can differences in approaches to confiscation (conviction-based and non-conviction-based) be overcome to facilitate speedy and effective international cooperation? How can confiscation orders be enforced against legal persons in jurisdictions where the criminal liability of legal persons is not recognized? How can legislation on combating money-laundering, such as that on beneficial owner identification, be used efficiently to facilitate the implementation of cooperation requests for purposes of confiscation?

B. How to manage international cooperation in multiple legal proceedings where the same individual is involved

Background

26. Multiple legal proceedings involving the same individual or individuals pose a series of challenges in the prosecution of organized crime, both in national and international contexts. At the national level, multiple proceedings may arise as a result of state and federal jurisdictions, or where criminal proceedings and civil claims derived from the same underlying conduct give rise to distinct causes of legal action. At the international level, however, the potential for multiple legal proceedings is greatly increased. A transnational offence committed in more than one State, or committed in one State but with substantial effects in another, can engage the criminal jurisdiction of multiple countries at the same time. Alternatively, individuals may be subject to investigation and prosecution for different crimes by different countries but at the same point in time. In addition, proceedings aimed at identifying, tracing or seizing proceedings or instrumentalities of crime may involve overlapping jurisdictions and investigations in respect of the same assets.

27. Effective coordination and handling of multiple legal proceedings are important for a number of reasons. Multiple criminal proceedings regarding the same individual may involve, for example, considerations such as the principle that no one shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted (*non bis in idem*, or double jeopardy). The possibility that a suspect could be prosecuted in any one of a number of jurisdictions also brings up the consideration of ensuring that justice be brought as close as possible to identified victims of the crime.

28. The wide-ranging nature of the challenge is recognized in international instruments such as the Organized Crime Convention. In article 15, paragraph 5, of that Convention, for example, it is stated that if a State party learns that one or more other States parties is conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States parties should consult one another with a view to coordinating their actions. The Convention does not, however, provide specific guidance regarding the relationship between multiple legal proceedings in general. Neither does it clearly resolve concurrent exercise of jurisdiction by different countries. The same approach is followed in article 42, paragraph 5, of the Convention against Corruption.

29. The development of practice in handling multiple legal proceedings where the same individual is involved should therefore be undertaken at the regional, bilateral and national levels. With respect to extradition in particular, treaties and national laws often address the procedures to be followed when an extradition request is received for an individual in respect of whom national proceedings have been or could be commenced (for the same, similar or a different offence) and when multiple, or concurrent, extradition requests are received from different countries for the same individual.

30. Ongoing or completed criminal proceedings in the requested country in respect of the same or (in some cases) a similar offence is a common optional, or sometimes mandatory, ground for refusal of extradition in national extradition laws. The existence of such proceedings implies an overlap of jurisdiction between both the requesting and requested country regarding the offence, with the ground for refusal tending towards protection of the individual from double prosecution.[1] The Model Treaty on Extradition, for example, suggests that refusal of extradition should be mandatory where a final judgement in respect of the offence for which extradition is requested has been rendered in the requested State, but optional where prosecution for the offence is pending in the requested State or the authorities of that State have decided not to institute or to terminate proceedings. In the Model Law on Extradition produced by the United Nations Office on Drugs and Crime (UNODC) in 2004, an additional ground for refusal is suggested in section 8, namely if a final judgement has been rendered and enforced against the person sought in a third State.

31. When it comes to multiple legal proceedings involving the same individual but in respect of a different crime, many States consider postponement of surrender if proceedings for a crime other than that for which extradition is sought are pending in the requested State. Under that approach, a surrender warrant or final order of extradition may be issued but will not take effect until the person sought has been acquitted or until any sentence arising from national proceedings has expired. Other States regard national proceedings for a different offence as a ground for mandatory or optional refusal of extradition.

32. When a person is sought by more than one State for the same or different offences, multiple extradition requests may be received by a requested State. National extradition legislation typically sets out a range of factors to be taken into account in according priority to requests in such circumstances. They include the existence of treaty obligations, the place of commission of the offence, the chronological sequence in which the requests were received, the nationality of the person in question, the seriousness of the offences (where requests concern different offences), the possibility of subsequent extradition to a third State, prospects for the social rehabilitation of the individual, whether the request is for prosecution or enforcement of sentence, and national interest considerations. Bilateral extradition treaties may also contain factors that must be considered by the requested State in case of concurrent extradition requests from both the contracting State and any other State. Such factors are often similar to those found in national laws and usually do

[1] It should be noted that the *non bis in idem* rule does not have a clear universal interpretation. For some countries, it applies only to punishment following conviction in that State for exactly the same offence. For others, it may enable the protection of a person convicted or acquitted in any jurisdiction from prosecution for an offence based on the same set of facts.

not require the contracting State to accord priority to requests under the particular treaty. From a practical perspective, States may also take into account the location, attendance and protection of witnesses, the possibility for victims to participate in or follow the proceedings, and the expected length of proceedings.

33. Harmonization of relevant factors to be taken into account has commenced, to some extent, at the regional level. Article 46 of the Riyadh Arab Agreement on Judicial Cooperation, for instance, sets out an order of priority where more than one contracting party submits an extradition request in respect of the same individual. Under article 15 of the Inter-American Convention on Extradition, preference is given to the State in which the offence was committed. Article 16 of Council of the European Union framework decision 2002/584/JHA as amended by 2009/299/JHA, on the European arrest warrant and the surrender procedures between Member States, contains factors to be taken into account both when two or more member States have issued European arrest warrants for the same person and when a conflict arises between a European arrest warrant and a request for extradition presented by a third country.

34. While the challenge of multiple legal proceedings is often associated primarily with extradition, States may increasingly become aware of multiple proceedings through requests for mutual legal assistance regarding the same individual or set of facts or events. Where multiple criminal investigations take place without the full knowledge of all States involved, there is a risk that investigations may become compromised or that, owing to the double jeopardy principle, commencement of prosecution in one State will prevent prosecution in another State where stronger evidence may have been gathered. In that respect, the obligation for States parties to consult in the case of multiple proceedings is specifically addressed in some regional instruments. For example, under article 5 of Council of the European Union framework decision 2009/948/JHA, on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, member States are obliged to contact the competent authorities of other member States in which it has "reasonable grounds" to believe that parallel proceedings are being conducted.

35. At the international level, both the Convention against Corruption and the Organized Crime Convention offer practical tools for coordinating multiple legal proceedings. In relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, competent authorities may establish joint investigative bodies, either through bilateral or multilateral agreements, or on a case-by-case basis. In addition, and as mentioned above, where initial investigations in one State reveal that the interests of justice are best served by prosecution in another State, States parties should consider the possibility of transferring proceedings with a view to concentrating the prosecution. In practice, that may involve the transfer of evidence or case files from one investigating jurisdiction to another, on the understanding that the receiving jurisdiction will take action on such information.

Questions for discussion

36. The Commission may wish to consider the following questions for further discussion:

(a) What experience have countries had in promulgating national laws and establishing national practices on handling extradition and providing mutual legal assistance when multiple legal proceedings become evident?

(b) What are successful strategies for ensuring that prosecutions occur in the most appropriate jurisdiction? How is the double jeopardy, or *non bis in idem*, principle applied? Is it generally given a narrow or a broad interpretation?

(c) What has been the impact of developments such as the increasing use of digital evidence in investigations that may engage many jurisdictions? Is it expected that the phenomenon of multiple legal proceedings will increase in the future?

(d) What experience have countries had in the coordination of multiple criminal investigations through joint investigation teams? What difficulties have been encountered and what good practices can be identified?

(e) Are existing legal approaches and models at the international, regional, bilateral and national levels sufficient to assist States in coordinating international cooperation in respect of the same individual and crimes? Could legal approaches be strengthened in any respect?

(f) What additional actions could competent authorities undertake in practice in the management of multiple legal proceedings in respect of the same individual? What capacity-building needs might competent authorities have in that respect?

C. Implementing international instruments containing provisions on international cooperation in criminal matters

Background

37. The plethora of bilateral and multilateral instruments, and thus the availability of multiple provisions on international cooperation, is not a panacea for overcoming the problems and difficulties encountered in daily practice. International instruments may provide a sufficient legal basis for cooperation, given that they, as well as existing regional and bilateral treaties or agreements, lay down a fairly detailed and well-articulated framework for such cooperation. However, the existence of international cooperation instruments does not, as such, provide assurances and guarantees that such cooperation will be provided. Most of the difficulties encountered in the field of international cooperation appear to be of an operational nature and mostly relate to the adequacy, or lack thereof, of the practical measures in place to effectively implement the existing legal instruments. A sufficient number of well-trained personnel who are able to use the legal tools in an appropriate manner, have access to information and contacts and have the necessary trust and confidence in the operation of the law enforcement and criminal justice system of the cooperating State are also needed.

38. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption have established specific mechanisms with regard to the effective implementation of the conventions, particularly their provisions on international cooperation. In that regard, the Working Group on International Cooperation was established by the Conference of the Parties to the Convention in its decision 2/2 to hold substantive discussions on practical issues pertaining to extradition, mutual legal assistance and international cooperation for the purpose of confiscation. Similarly, experts to enhance international cooperation under the Convention against Corruption are convened pursuant to resolution 4/2 of the Conference of the States Parties to the Convention to, inter alia, assist the Conference in encouraging cooperation among relevant existing bilateral, regional and multilateral initiatives, contribute to the implementation of the related provisions of the Convention and facilitate the exchange of experiences among States by identifying challenges and disseminating information on good practices to be followed in order to strengthen capacities at the national level.

39. Moreover, pursuant to its resolution 1/4, the Conference of the States Parties to the Convention established the Open-Ended Intergovernmental Working Group on Asset Recovery to, inter alia, assist it in developing cumulative knowledge in the area of asset recovery.

40. With a view to further promoting the implementation of chapter V of the Convention against Corruption, the Stolen Asset Recovery (StAR) Initiative was launched jointly by UNODC and the World Bank in 2007. The initiative focuses on lowering the barriers to asset recovery, building national capacity for asset recovery and providing preparatory assistance in the recovery of assets.

41. Within the context of the Mechanism for the Review of Implementation of the Convention against Corruption, the provisions on international cooperation contained in chapter IV of the Convention are currently under review. A growing body of knowledge has emerged as a result of the completed reviews. A cross-cutting problem regarding the implementation of chapter IV in many of the reviews was the lack — or limited availability — of adequate statistical data relating to grounds for refusal or to the length of extradition and mutual legal assistance proceedings. In many countries under review there was no consistency in the methodology used and the type of data collected and no central mechanisms existed through which such data could be accessed. As emphasized in several reviews, concrete information on implementation practice is important for assessing the effectiveness of international cooperation mechanisms.

Questions for discussion

42. The Commission may wish to:

(a) Refer to the questions for discussion on various aspects of international cooperation, as contained in the relevant sections of the present guide;

(b) Consider good practices in the collection and systematic use of statistical data on different modalities of international cooperation.

D. Learning from experiences at the regional level

Background

43. While extradition and mutual legal assistance have their roots in diplomatic bilateral relationships between territories, the emergence of international organizations has facilitated cooperation arrangements at the global and regional levels. As criminal jurisdiction over national territory is strongly linked to State sovereignty, such arrangements involve varying extents of State obligation, depending on the commitments that groups of countries are prepared to undertake. At the regional level, in particular, those commitments form a continuum, in terms of both the legal or other nature of the regional arrangement, and the operational activities conducted under the arrangement.

44. From the legal and institutional perspective, regional cooperation arrangements may involve treaties between countries[2] or may rely on political or working-level memorandums or declarations. Such instruments are often promulgated within the context of regional organizations or existing specialized regional structures, such as councils of ministers of justice or attorneys general. Where regional cooperation treaties exist, they can take the form of regional extradition or mutual legal assistance treaties. Some regions also have broader treaties on cooperation in criminal matters in general.

45. Through regional extradition and mutual legal assistance treaties, States parties agree to a common regional understanding of an extraditable offence or forms of judicial assistance that can be requested. Treaties also often include common procedures for submitting requests, as well as mandatory or optional grounds for refusal. Such treaties can facilitate timely consideration and outcomes of requests, not only by creating legal obligations but also through the creation of common standards for supporting documentation, costs and disposal of assets. Some regional extradition and mutual assistance treaties may include coordination mechanisms through a regional secretariat. Under the Southern African Development Community Protocol on Mutual Legal Assistance in Criminal Matters, for example, States parties are required to designate a central authority that is communicated to the member States through the secretariat of the organization.

46. Some regional legal frameworks go beyond arrangements for mutual assistance through the principle of mutual recognition. In regions with close economic integration and cross-border areas of free movement of goods and persons in particular, mutual recognition of national criminal warrants and judgements can

[2] Regional extradition and mutual assistance treaties include the Association of Southeast Asian Nations Treaty on Mutual Legal Assistance in Criminal Matters; the Commonwealth of Independent States Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters; the European Convention on Extradition; the Economic Community of West African States Convention on Extradition and Convention on Mutual Assistance in Criminal Matters; the Riyadh Arab Agreement on Judicial Cooperation; the Inter-American Convention on Extradition and Convention on Mutual Assistance in Criminal Matters; and the Southern African Development Community Protocol on Extradition and Protocol on Mutual Legal Assistance in Criminal Matters. Other international organizations that do not have cooperation treaty arrangements may make use of model legislation and schemes that can be implemented at the national level, such as the Scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth and the London Scheme for Extradition within the Commonwealth.

be a key tool. In the European Union, for example, member States agree, subject to specified grounds for refusal, to recognize and execute European evidence and arrest warrants without any further formalities. Similarly, under a Caribbean Community (CARICOM) arrest warrant treaty, States parties are required to make provision in national law for the arrest and detention of any requested person pursuant to a CARICOM arrest warrant issued by another State party. A review of the European arrest warrant system showed that, between 2005 and 2009, around 21 per cent of the European arrest warrants issued were executed, with an average surrender time of 14-17 days when requested persons consented to their surrender, and about 48 days when persons did not consent.[3]

47. At the operational level, regional cooperation arrangements may include the designation of international cooperation focal points, communication of national requirements and procedures for cooperation, creation of secure communication channels or platforms, mechanisms for case handling and sharing of experience between authorities of participating States. Such activities may focus on the facilitation of formal judicial cooperation and informal law enforcement cooperation and intelligence-sharing. Those activities are not necessarily dependent upon a treaty basis and may exist alongside or in the absence of regional cooperation treaties.

48. Arrangements such as Eurojust and the European Judicial Network, for example, are established by decisions of the Council of the European Union, which are made in the context of a regional system of mutual recognition in criminal matters, as well as the European Convention on Extradition, promulgated under the auspices of the Council of Europe. Other arrangements, such as the Ibero-American Network for International Legal Cooperation (IberRed), are established by decision of a conference of ministers of justice. There is no extradition or mutual assistance treaty among all Ibero-American countries. There is, however, the Ibero-American Convention on the Use of Videoconferencing in International Cooperation between Justice Systems. Most Ibero-American countries are also party to Organization of American States conventions on extradition and mutual legal assistance.

49. Some regional cooperation arrangements establish organizations or secretariats to assist with or coordinate investigations and prosecutions that concern more than one country. Eurojust is mandated to assist competent authorities in ensuring coordination of investigations and prosecutions, and may supply logistical support such as assistance in translation and organization of coordination meetings. Whether a central secretariat exists or not, many regional cooperation arrangements establish networks of national focal or contact points for the purposes of facilitating communication. For formal judicial cooperation, they are usually central authorities. In some networks, such as the Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition and IberRed, contact points have access to a secure communications system that can be used to facilitate the exchange of information and real-time communication.

[3] European Commission, "Report from the Commission to the European Parliament and the Council on the implementation since 2007 of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States", document COM (2011) 175 final.

50. Regional cooperation networks can play an important role in supporting countries to consider transnational or regional dimensions to criminal investigations. For example, the Central American Network of Prosecutors against Organized Crime (REFCO), supported by UNODC, facilitates the exchange of information on organized crime cases between member countries, including in the areas of information-sharing, obtaining evidence and identifying, freezing and confiscating criminal assets. In order to move beyond a reactive case-driven approach, the Network supports countries in adopting proactive information-sharing on organized crime trends and challenges in the region. The Network also provides a platform for regional training and capacity-building on issues such as racketeering, criminal gangs, extortion, money-laundering and special investigative techniques.

51. A similar arrangement exists among Economic Community of West African States (ECOWAS) countries, in the form of the Network of West African Central Authorities and Prosecutors against Organized Crime, established with the support of UNODC in close collaboration with ECOWAS and the ECOWAS Court of Justice. The Network is currently moving towards the establishment of an operational secretariat with the capacity to support regional cooperation in organized crime and corruption cases. UNODC has also supported the development of two regional judicial platforms, one in the Sahel region and the other in the Indian Ocean countries. The platforms consist of networks of national focal points who facilitate both extradition and mutual legal assistance in criminal matters, as well as identify technical assistance needs for strengthening judicial cooperation among the member States.

52. UNODC experience with supporting regional networks suggests that key features for success include the embedding of the network in an existing institutional structure, such as the Central American Council of Public Prosecutors in the case of REFCO. Clear founding documents, regulations and strategic plans are also critical to effective network operation. Where networks are based on links between central authorities, they may include contact point specialization for specific crimes such as terrorism or corruption, but should seek to address all forms of transnational crime. That approach can lead to the strengthening of central authorities as a single contact point for international judicial cooperation in criminal matters. In addition, while some forms of crime require a specific regional focus, transnational crime is increasingly demanding a global and interregional response. Once established, regional arrangements must therefore be progressively outward looking, including through the development of connections between different regional networks. That "networking of networks" approach may offer one route to enhanced global cooperation in criminal matters.

Questions for discussion

53. The Commission may wish to consider the following questions for further discussion:

(a) What experience have countries had in participating in regional arrangements for cooperation in criminal matters? What are the factors that contribute to the success of such arrangements? What challenges are faced?

(b) What role do regional extradition and mutual assistance treaties play? Are such treaties often relied upon as the legal basis for requests? Do any regions require the strengthening of such regional legal frameworks?

(c) How should the operational case-oriented activities of regional arrangements be structured? What are good practices with regard to the role, responsibility and procedures of a regional secretariat for international cooperation?

(d) To what extent can regional cooperation arrangements reflect the principle of mutual recognition of national criminal warrants and judgements? Is mutual recognition a future direction for enhanced cooperation at the regional level?

(e) How can regional cooperation arrangements best contribute to enhanced international cooperation in criminal matters at the global level? How can "networking of regional networks" be achieved?

E. International cooperation in combating new and emerging forms of crime

Background

54. Member States have recently considered international cooperation needs with respect to emerging crime types such as trafficking in cultural property. Chapter III of the Guidelines for crime prevention and criminal justice responses with respect to trafficking in cultural property and other related offences,[4] addresses international cooperation in cases of crimes against cultural property and related offences. Under the Guidelines, States should consider making crimes against cultural property extraditable offences. States should also consider adopting provisional measures, where applicable, in order to preserve the cultural property related to the alleged offence for the purpose of restitution.

55. The Guidelines also refer to the exchange of information on trafficking in cultural property among States by the interconnection of inventories of and databases on trafficked cultural property as a way to enhance international cooperation among law enforcement and investigating authorities. Under the Guidelines, States are also encouraged to conclude bilateral and multilateral agreements or arrangements in order to establish joint investigative teams for trafficking in cultural property and related offences, as well as to establish privileged channels of communication between law enforcement agencies.

56. The Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance of the Conference of the Parties to the Organized Crime Convention have further suggested a number of concrete measures that States could undertake, including the designation of contact points to facilitate international cooperation and the conclusion of bilateral agreements for preventing and combating trafficking in cultural property.[5]

57. Cybercrime is by no means the first new form of crime to demand a global response. It is nonetheless true that contemporary cybercrime, as well as crimes

[4] Contained in document UNODC/CCPCJ/EG.1/2014/3, annex I.

[5] See documents CTOC/COP/WG.3/2012/5 and CTOC/COP/WG.2/2012/4.

involving digital evidence, present unique challenges to international cooperation. Owing to the volatile nature of electronic evidence, international cooperation in cybercrime matters requires a timely response and the ability to request specialized investigative actions, including preservation and production of data by private sector providers. While a number of modes of informal law enforcement cooperation exist, including "24/7" networks, countries continue to rely heavily on traditional formal judicial means, in particular bilateral mutual legal assistance instruments, to obtain digital evidence.

58. Response times for such mutual legal assistance requests involving investigation of cybercrime are typically about 150 days. Such timescales may often fall outside of service provider data retention periods or may enable perpetrators to permanently destroy key digital evidence. Effective international cooperation in cases involving digital evidence therefore requires mechanisms for the expedited preservation of data pending consideration of further investigative measures. International cooperation in cases involving digital evidence may also be enhanced by common approaches for formulating requests for specific forms of evidence, including network evidence, connections logs and forensic images.

59. Moreover, the increasing use of digital information has opened new possibilities for offenders to access identity-related information. The transformation from industrialized countries to information societies has had a particularly large impact on the spread of identity-related crimes. Similarly to cybercrime, the volatility of data pertaining to identity abuses in the digital environment requires rapid responses and expedited means of communication and cooperation. The practical guide to international cooperation to combat identity-related crime, contained in the *Handbook on Identity-related Crime*,[6] provides an overview of aspects pertaining to the transnational dimension of identity-related crime and focuses on basic information and guidelines on how to best deal with international cooperation requests in that field, including through relevant case examples.

60. With regard to another category of new and emerging forms of crime, namely match-fixing and illegal and irregular betting, existing data demonstrate an increase in the number of cases over the last few years. That can partly be explained by the increase in the availability of online gambling, which has in turn significantly increased the number of people with a direct economic interest in sporting competitions, and partly by the fact that gambling on sport events over the Internet can permeate national boundaries, which also limits the risk of perpetrators being arrested.

61. While problems linked to betting are not new, it appears that illegal betting in sport has reached new levels of sophistication, with those involved being located in several countries and continents and new offshore betting companies being established. Such sophistication indicates the involvement of organized crime patterns and corrupt practices with transnational dimensions. *Criminalization Approaches to Combat Match-Fixing and Illegal/Irregular Betting: A Global Perspective*, published jointly by UNODC and the International Olympic Committee in 2013, contains an assessment of, among others, the applicability of existing multilateral conventions to the crimes, with a main focus on the Organized Crime Convention and the Convention against Corruption.

[6] UNODC, 2011.

Questions for discussion

62. The Commission may wish to consider the following questions for further discussion:

(a) How can the timeliness of mutual legal assistance procedures be enhanced in cases involving cybercrime and digital evidence? Are there alternatives to the use of mutual legal assistance in cybercrime cases? What safeguards are required in the context of international cooperation against cybercrime?

(b) Building on the above question, what are the specific challenges encountered by practitioners when dealing with international cooperation requests to combat identity-related crime?

(c) Do the divergent national approaches to the criminalization of match-fixing have an impact on the scope of international cooperation that could be provided in related cases in view of the double criminality requirement?

F. Provision of technical assistance

Background

63. Effective international cooperation in criminal matters is dependent upon both legal and institutional frameworks at the national, regional and international levels, as well as upon the practical capacity of national institutions. Technical assistance activities may focus on both of those areas, with a view to strengthening international cooperation in general.

64. In the legal sphere, technical assistance activities can support the drafting and promulgation of national laws on extradition and mutual legal assistance based on legal tools and international good practice. The UNODC model laws on extradition and mutual assistance in criminal matters represent important tools in that respect, having been used extensively as a resource for the development of national legislation, most recently in countries in South and South-East Asia. The model laws include a range of options in areas such as definitions, the grounds for refusal of a request and documentary requirements for requests. At the treaty level, the Model Treaty on Extradition[7] and the Model Treaty on Mutual Assistance in Criminal Matters[8] also represent key technical assistance tools for States seeking to conclude bilateral agreements to enhance the effectiveness of extradition or mutual legal assistance. With a view to reflecting recent developments in the field of international cooperation in criminal matters, in the discussion guide for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, it is suggested that the Congress may wish to revisit those model treaties, for the purpose of updating and consolidating them.[9]

65. UNODC has also been active in the development of tools for facilitating practical aspects of international cooperation. The online directories of competent national authorities under the 1988 Convention, the Organized Crime Convention and the Convention against Corruption enable simple access to the contact

[7] General Assembly resolution 45/116, annex, and resolution 52/88, annex.

[8] General Assembly resolution 45/117, annex, and resolution 53/112, annex I.

[9] A/CONF.222/PM.1, paragraph 36 (g).

information for authorities designated to receive, respond to and process requests under the provisions of those Conventions.

66. In the institutional development sphere, technical assistance programmes may focus on the establishment of effective central authorities and the building of their capacity. That may include support to the creation and delineation of the work of units responsible for preparing requests, centralizing all information about incoming and outgoing requests and monitoring their implementation. It might also involve the development of standard operating procedures and memorandums of understanding between the central authority and other relevant national authorities and institutions, or the development of guidelines for the preparation of requests. In that connection, UNODC is currently reviewing the platform and functionality of the Mutual Legal Assistance Request Writer Tool in order to make it more widely accessible and relevant to modern assistance requests. UNODC has also been delivering training programmes to the staff of central authorities, combining presentations aimed at raising national experts' awareness of the international and regional frameworks for cooperation and promoting good practices in extradition and mutual legal assistance proceedings, together with case studies.

67. Within the context of the Mechanism for the Review of Implementation of the Convention against Corruption, the findings on the implementation of chapter IV of the Convention provide a solid body of knowledge about technical assistance needs that should be addressed in order to enhance the capacity of States parties to better use international cooperation mechanisms, in line with the requirements of the Convention.

Questions for discussion

68. The Commission may wish to consider the following questions for further discussion:

(a) What kind of technical assistance activities are considered effective in strengthening the capacities of central and other competent authorities?

(b) What are the needs at the national level in terms of staffing, training, equipment, technology and telecommunications facilities?

G. Addressing the gaps — the way forward

69. Increased efforts have been made in recent years to expand and deepen international cooperation as a response to transnational crime through the conclusion of multilateral instruments. The pace of development quickened during the 1990s and the beginning of the new millennium. The 1988 Convention, the Organized Crime Convention and the Convention against Corruption are clear signs that multilateral instruments are assuming increasing importance. Those multilateral instruments call upon States parties to seek to conclude bilateral and multilateral agreements or arrangements to enhance the effectiveness of extradition and mutual legal assistance mechanisms and to promote cooperation between law enforcement agencies.

70. In considering further action to address challenges faced and the way forward towards the promotion of international cooperation in criminal matters, the

Commission may wish to focus its attention on ways and means to avoid piecemeal and fragmented solutions and ensure the proper administration of justice. In doing so, the Commission may also wish to assess the advantages and practical consequences of a holistic and flexible approach that renders the different modalities of international cooperation complementary to each other.